

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2488 of 2019

-
1. Brahamadeo Yadav, aged about 80 Years, Male, S/O Late Firangi Yadav, R/o Vill-Shiv Nagar, P.S. Tikari, Anchal-Tikari, Dist.Gaya.
 2. Ramjatan Yadav, aged about 74 Years, Male, S/O Late Firangi Yadav, R/o Vill-Shiv Nagar, P.S. Tikari, Anchal-Tikari, Dist.-Gaya.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue and Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Circle Officer, Tikari, Gaya.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Ram Babu, Advocate.
For the Respondents	:	Mr. Md. Khurshid Alam, A.A.G. 12.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioners and learned
counsel for the respondents.

The following reliefs have been sought for on behalf
of the petitioners in the present writ application.

“1(i) For issuance of a writ in the nature of a writ of certiorari quashing the notices issued on 28.12.2018 by the Circle Officer, Tikari, Gaya, to the petitioners alleging encroachment on public land pertaining to Khesra No. 1063 whereas the Mourusi (ancestral) land upon which the houses of these petitioners are existing is situated in Khesra No. 1062 having area 32 Dhurs procured by way of Kewalas in the name of Late Firangi Yadav.

(ii) For issuance of a writ in the nature of a writ mandamus to the respondent authorities especially the respondent no. 3 not to disturb the legal and peaceful



physical possession of these petitioners of their raiyati and homestead lands as they are in possession for more than 30 years by virtue of Sale Deed dated 01.03.1986 and sale deed dated 29.02.1988 and the name of Late Firangi Yadav is also existing in the records of rights in the concerned Tikari Anchal Gaya and land revenue is also being paid continuously to the Govt. of Bihar.”

It is submitted by learned counsel for the petitioners that notices under challenge are under Section 3 of the Bihar Public Land Encroachment Act vide Annexure-2 series to the present writ application.

Considering the same, the petitioners are directed to file relevant documents/papers alongwith objection as per Section 4 of the Act before the competent authority. The competent authority shall, after hearing all concern parties, as per Section 5 of the Bihar Public Land Encroachment Act, fix a date and pass an appropriate order in accordance with law.

With the aforesaid observations and directions, the present writ application stand disposed of.

(Sudhir Singh, J)

U.K./-

U			
---	--	--	--

