

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4842 of 2019

1. Kamleshwari Yadav, age about 54 Years, Gender-Male, Son of Late Bhutay Yadav, Resident of Village- Dumariya(Balba), Ward No. 08, P.O. Pipra Khurd, P.S. and Block and District- Supaul.
2. Ganga Yadav, age about 51 Years, Son of Late Anant Yadav, Resident of Village- Dumariya (Balba), Ward No. 08, P.O. Pipra Khurd, P.S. and Block and District- Supaul.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation Department, Govt. of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The Rehabilitation Officer, Supaul.
5. The Circle Officer, Supaul.
6. Surendra Yadav @ Chhotu Yadav, Son of Jageshwar Yadav, Resident of Village- Noabakhar, P.S. Kishanpur, Distt. Supaul. At Present Kharail Malhad Punarwas, Layout No. 603, P.O. and P.S and Block and District- Supaul.
7. Suryanarayan Yadav, Son of Shivnandan Yadav, Resident of Village- Noabakhar, P.S. Kishanpur, Distt. Supaul. At Present Kharail Malhad Punarwas, Layout No. 603, P.O. and P.S and Block and District- Supaul.

... .. Respondents

Appearance :

For the Petitioners : Mr.Amar Nath Yadav, Advocate.
For the Respondents : Mr.Vikash Kumar, S.C. 11.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

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

“1 (I) For issuance of a direction, order or
writ, including writ in the nature of mandamus
for direction to the respondent authorities



especially the Rehabilitation Officer, Koshi Project, Supaul, and the Circle Officer, Supaul, to remove the encroachment from the encroached site assurance of letter which vide Memo No. 1243 dated 24.07.2015 of the Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna, whereunder the Director of the said Department has directed the Rehabilitation Officer, Koshi Project, Supaul, to remove the encroachment by instituting an encroachment case under Bihar Public Land Encroachment Act for emancipating the encroached land of the Rehabilitation Department.

(ii) For issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Rehabilitation Department specially the respondent nos. 4 and 5 to provide the petitioners with the allotted Layout/Plot to him under the said Project.

(iii) For issuance of a writ in the nature of mandamus directing the respondent authorities to remove the private respondent numbers 6 and 7 from the land of Rehabilitation Department, Koshi Project, Supaul, which has been allotted in favour of father's name of petitioner no. 1 which Layout No. 603, Area 10 decimals under the Rehabilitation Scheme by the Rehabilitation Department, Koshi Project, Suapul and settle the petitioners on the part of encroached land's area 7 decimals there at without further delay by taking effective steps against the unauthorised occupants (private respondent nos. 6 and 7).

(iv) For issuance of an appropriate writ/writs, direction/directions commanding the respondent authorities to settle the petitioners over the encroached part of land's area 7 decimals by removing the house constructed by private respondent nos. 6 and 7 which has in the inception after said scheme allotted in



the name of father of the petitioner no. 1.”

It is submitted by learned counsel for the petitioners that the respondent no. 2 i.e., The Director, Land Acquisition and Rehabilitation Department, Government of Bihar, Patna, has passed an order vide its Letter No. 1243 dated 24.07.2015 vide Annexure-2 to the present writ application, in respect of removal of encroachment made by the respondent nos. 6 and 7 but no action has been taken on the part of respondent no. 4 i.e., The Rehabilitation Officer, Supaul and respondent no. 5 i.e. The Circle Officer, Supaul.

Considering the aforesaid facts and circumstances, the respondent no. 4 i.e., The Rehabilitation Officer, Supaul and respondent no. 5 i.e., The Circle Officer, Supaul, are directed to act upon the order vide its Letter No. 1243 dated 24.07.2015 passed by respondent no.2 i.e., The Director, Land Acquisition and Rehabilitation Department, Government of Bihar, Patna, vide Annexure-2 to the present writ application, and pass final order under Bihar Public Land Encroachment Act after following all the necessary procedures as laid down under the Act. Before passing the final order, the respondent no. 5 i.e., The Circle Officer, Supaul, shall ensure that there is full compliance of Sections 3, 4 and 5 of the Bihar Public Land



Encroachment Act.

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

(Sudhir Singh, J)

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