

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2207 of 2016

Arising out of

Civil Writ Jurisdiction Case No.10611 of 2007

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1. Sarangdhan Singh Son of Late Rajeev Singh resident of village - Bhankhurwa, Nath Nagar, Police Station - Daudnagar, District - Aurangabad.
 2. Kamala Devi wife of Baliram Rajak resident of Cinema Hall, Ward No. 20, Nathnagar, P.S. - Daudnagar, District - Aurangabad.
 3. Ram Sudin Prasad Verma Son of Late Sahai Verma resident of village - Bharkhuwa, Nathanagar, P.S. - Daudnagar, District - Aurangabad.
 4. Prem Chand Prasad Son of Akalu Sao resident of Bhakharwa, P.S.- Daudnagar, District - Aurangabad.
 5. Sumitra Devi wife of Ram Nath Singh resident of village - Bhakharwa, P.S. - Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kanwal Tanuj, The District Magistrate, Aurangabad.
3. Ranju Devi, Pramukh Zila Parishad, Aurangabad.
4. Rakesh Kumar, Sub-Divisional Officer, Daudnagar, Aurangabad.
5. Shyam Sharan Tiwari, Executive Engineer, P.W.D. Aurangabad.
6. Shyam Nand Sharma son of Late Chandradeep Sharma resident of Bhakarwa More Bhakhra, P.S. - Daudnagar, District - Aurangabad.
7. Kedar Prasad Son of Late Ram Sewak Sao resident of Purani Sahar Daudnagar, Road No. 4, P.S. - Daudnagar, District - Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. S.S.P. Yadav, SC 14

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-07-2019

Heard learned counsel for the petitioners and learned SC

14 for the State.



2. The petitioners have filed the present application alleging contempt of the order dated 09.02.2012 passed in CWJC No. 10611 of 2007.

3. The writ petition was disposed off in the following terms:

“However, in view of limited prayer made at the time of hearing, this writ application is disposed of without going into the merit of the cases of the respective parties, with a liberty to the petitioners to approach the competent authority under the Bihar Public Land Encroachment Act, 1956 by filing a proper application. In case such application is filed by the petitioners, let the same be disposed of by the concerned authority expeditiously in accordance with law, preferably within six months but not before granting opportunity of hearing to all the concerned parties including respondent nos. 6 and 7.”

4. In the show cause filed on behalf of the opposite parties no. 2 and 4, the order of the Anchal Adhikari, Daudnagar dated 26.02.2019 has been brought on record in which it has been stated that the land in question is *khatiyani* private land and accordingly he has held that the proceeding is not maintainable and the same have been closed. If what has been written is correct, the Court does not find any error in the stand taken by the Anchal Adhikari, Daudnagar for not proceeding under the Public Land Encroachment Act which can be initiated only when the land is a public land and not with regard to private land. In the present case,



when the officer has categorically noted in the order that the land is private *khatiyani* land, rightly the proceedings for removal of encroachment under the Public Land Encroachment Act has been closed.

5. In view thereof, the application stands disposed off. However, if the petitioners are aggrieved by such order of the Anchal Adhikari, Daudnagar dated 22.06.2019, it shall be open to them to move before the appropriate forum, in accordance with law, for redressal of their grievances.

(Ahsanuddin Amanullah, J)

Anjani/-

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