

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1282 of 2017

In
Civil Writ Jurisdiction Case No.14869 of 2014

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Rajendra Paswan, S/o- Late Bhatta Paswan, Resident of Village-Baya, P.S.-
Bela, District-Patna

... .. Petitioner/s

Versus

1. The Principal Secretary, Land And Revenue Department, Bihar, Patna.
through Sri name not Known
2. Sri Kishore Paswan, the Circle Officer, Anchal Parihar District-Sitamarhi
3. Smt. Nilam, the Block Development Officer, Block (Anchal) Parihar,
District-Sitamarhi
4. Sri Sandip Kumar, the Deputy Collector, Land Reform (D.C.L.R.) Sitamarhi
Sadar, District-Sitamarhi
5. Sri D. Pratima Verma, the Collector, Sitamarhi
6. Sri Hari Prasath S. the Superintendent of Police, Sitamarhi
7. Raijaullah, S/o-Md. Moslim, Resident of Village-Baya, Anchal-Parihar, P.S.-
Bela, District-Sitamarhi
8. Sakina W/o Md.- Ayab @ Hakaliyama, Resident of Village-Baya, Anchal-
Parihar, P.S.-Bela, District-Sitamarhi
9. Md. Matim S/o-Md. Lliyas, Resident of Village-Baya, Anchal-Parihar, P.S.-
Bela, District-Sitamarhi
10. Jamshed S/o Md. Navijan, Resident of Village-Baya, Anchal-Parihar, P.S.-
Bela, District-Sitamarhi
11. Khurshid, S/o-Md. Navijan, Resident of Village-Baya, Anchal-Parihar, P.S.-
Bela, District-Sitamarhi
12. Chhote, S/o-Taslim @ Sohelajan, Resident of Village-Baya, Anchal-Parihar,
P.S.-Bela, District-Sitamarhi
13. Havir, S/o Taslim @ Sahebjan, Resident of Village-Baya, Anchal-Parihar,
P.S.-Bela, District-Sitamarhi
14. Hasim, S/o Abdul, Resident of Village-Baya, Anchal-Parihar, P.S.-Bela,
District-Sitamarhi
15. Khairon S/o Zabir the Resident of Village-Baya, Anchal-Parihar, P.S.-Bela,
District-Sitamarhi
16. Most. Chandrakala Devi, W/o Late Birju, Resident of Village-Baya, Anchal-
Parihar, P.S.-Bela, District-Sitamarhi
17. Lale. S/o-Saheb Jan, Resident of Village-Baya, Anchal-Parihar, P.S.-Bela,
District-Sitamarhi
18. Md. Samora, S/o Late Munan, Resident of Village-Baya, Anchal-Parihar,
P.S.-Bela, District-Sitamarhi



19. Md. Mokim, S/o Manjoor Sheikh, Resident of Village-Baya, Anchal-Parihar, P.S.-Bela, District-Sitamarhi
20. Gulam Mustafa @ Asraf Ali Mukhia, Gram Panchayat-Baya Anchal-Parihar, District-Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Virendra Kumar, Adv.
For the State	:	Mr.Md. Khurshid Alam, AAG-12
For Respondent Nos. 7 to 20	:	Mr. Manoj Kumar Sahu, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 25-11-2019 The operative portion of the order dated 04.05.2015, passed by a Division Bench of this Court in CWJC No. 14869 of 2014, titled as Rajendra Paswan Vs. The State of Bihar and Ors., *in toto* reads as under :-

Hence, this writ petition is disposed of, directing the Collector, Subdivisional Officer and the Block Development Officer to examine the representation submitted by the villagers as regards the alleged encroachment into aforesaid Plot and take appropriate steps within a period of two months from today. If it is decided to evict the encroachers, the procedure prescribed under law should be followed.”

The persons who unauthorizedly and illegally occupying the land, identified to be encroachers, if encroachment has yet not been removed, simply because such encroachers are landless, that fact itself would not sufficient



enough not to initiate steps for removing the encroachment.

As such, we dispose of the present petition with a direction to the Respondent No.5, the Collector, Sitamarhi to take steps positively for initiating the proceeding for removal of encroachment, in accordance with law. All the exercise must be completed within a period of six weeks.

However, liberty is reserving to the petitioner to file fresh petition, if need so.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Ashwini/ DKS

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