

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13730 of 2019

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Makbool Alam S/o Late Abdul Aziz, resident of village-Rasulpur (Mouza)
Post Office Tilota, Rasulpur, Block Hasanpura, Police Station Panchrukhi,
Distt.-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
3. The Principal Secretary, Irrigation Department, Govt. of Bihar, Patna
4. The Divisional Commissioner, Saran Division, Chapra
5. The District Magistrate, Siwan
6. The Superintendent of Police, Siwan
7. The Circle Officer, Hasanpura, Distt.-Siwan
8. The Block Development Officer, Hasanpura, Distt.Siwan
9. The S.H.O. Panchrukhi, Distt-Siwan
10. Shri Sueraj Yadav S/o Late Rajeshwar Yadav, Resident of Village Rasulpur, (Mouza) P.O. Tilota, Rasulpur, Block Hasanpura, P.S. Panchrukhi, Distt-Siwan.
11. Binod Yadav alias Tarkeshwar Yadav S/o Jimdar Yadav, Resident of Village Rasulpur, (Mouza) P.O. Tilota, Rasulpur, Block Hasanpura, P.S. Panchrukhi, Distt.-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dinu Kumar, Adv.
For the Respondent/s	:	Mr.Anjani Kumar, AAG 4
		Mr. Deepak Sahay Jamuar, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 21-08-2019 Heard learned counsel for the petitioner and the

learned counsel for the State.

2. In the present case, the petitioner has made an

allegation that Respondent nos. 10 and 11 with the connivance



of local administration, have filled up soil in the land which was in the nature of Gaddha appertaining to khata no. 209, survey plot no.2325, area 4 katha and 17 dhur, submitting that from the records of right it reflects that the said land has been recorded as Gairmazarua Malik and nature has been shown as Gaddha. That Gaddha has been in use by villagers for the purposes of accumulation of drain water, but Respondent nos. 10 and 11, who are very powerful persons, having connivance with the local administration, have captured the said land and filled soil in it.

3. The petitioner has filed an application before the District Magistrate and the Circle Officer, but the Circle Officer, has merely issued the notice but no positive action has been taken as yet.

4. This Court directs the Circle Officer that if already he has issued notice, after giving proper hearing to both sides, if the land in question is not the land of Respondent nos. 10 and 11 rather public land and the same was being used by the public for accumulation of drain water, the encroachment should be removed and the land should be stored to its original place as Gaddha, whatever the expense is incurred by the administration which will be recovered from Respondent nos. 10 and 11.



5. With the above direction, this petition is disposed
of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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