

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7183 of 2015

1. Nandan Malakar Son of Late Bhatan Malakar,
2. Jai Narayan Malakar, Son of Late Bhatan Malakar,
3. Manoj Kumar Malakar, Son of Sri Deo Narayan Malakar, All resident of Chakfatehganj, P.O. - Chakbidulia, P.S. - Bibihutipur, District - Saamastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The District Magistrate, Begusarai.
4. The Deputy Collector Land Reforms, Samastipur.
5. The Deputy Collector Land Reforms, Begusarai.
6. The S.D.O. Rosara, Begusarai.
7. The S.D.O. Samastipur.
8. The C.O. Mansoorchak, Begusarai.
9. Bandhu Malakar, Son of Late Baidyanath Malakar,
10. Ghuran Mahto Son of Late Mangal Mahto
11. Jathu Mahto
12. Ram Bali Mahto, Both Sons of Laxmi Mahto,
13. Shankar Mahto,
14. Tiro Mahto,
15. Ganga Mahto, All Sons of Late Butan Mahto All resident of Sobilwara Chauk, P.S.Mansoor Chak, District - Begusarai.
16. Sanjay Ram Son of Late Madan Ram,
17. Ramdeo Pandit, Son of Late Bhonu Pandit,
18. Ganesh Malakar,
19. Natho Malakar,
20. Lala Malakar,
21. Bigha Malakar, All Sons of Ganesh Malakar,
22. Ram Balak Malakar, S/o Jai Narayan Malakar, All resident of Chakfatehganj, P.S. - Bibhutipur, P.O. - Chakbedolia, District - Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shambhu Sharan Singh
For the Respondent/s	:	Mr. SC-31- P.S. Sahay

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-02-2019 Heard learned counsel for the petitioners and the

State.



This writ application has been filed by the petitioners
for the following reliefs:

“(i) For issuance of direction/directions/order/orders to comply in toto to the order dated 17-09-2013 passed in C.W.J.C. No. 8715 of 2013 passed by this Hon’ble Court by which this Hon’ble Court has been pleased to observe in the matter that, “writ application is accordingly disposed of with a direction to the Collector to see to it preliminary enquiry is made with regard to the alleged encroachments on the public land and formal proceeding under the Bihar Public Land Encroachment Act initiated against the encroachers and the same is concluded as early as possible, in accordance with law, after hearing the parties with follow up action.

(ii) For issuance of a direction/directions order/orders from the Anchal Adhikari, Mansoorchak (Begusarai) who has been pleased to initiate a proceeding under the Public Land Encroachment Act as per earlier direction of this Hon’ble Court and



notices issued to the Encroachers and asked to produce the evidence to the Encroachers if any and on found no evidence with them, the Anchal Adhikari, Mansoor Chak has given 10 days time to encroachers on 16-01-2014 with an ultimatum and direction that within 10 days you will suo motu back out from encroachment otherwise you will be removed from possession on the encroached land and cost of removal will be recoverable from you and till date neither the encroachment has been removed nor finally disposed of the encroachment proceeding by him.

(iii) For issuance of any other relief/reliefs as your Lordships may be deem fit and proper”.

The petitioners have filed a representation vide Annexures 4 & 5 as back as in the year, 2015.

It has been submitted on behalf of the respondent that encroachers were removed from the Public Land but subsequently, they have again encroached upon the said public land.

The petitioner is directed to file a detailed representation before the District Magistrate, Samastipur



(respondent No. 2) within a period of 30 days from today. The respondent No. 2 shall examine the case/representation of the petitioners and pass appropriate order/s in accordance with law after hearing all the concerned parties.

With the aforesaid observation/direction, this writ application stands disposed of.

(Sudhir Singh, J)

A.K.V.//-

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