

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9175 of 2017

=====

Manju Sharan, W/o Shri Keshri Kishore Sharan, Resident of Village + Post-
Akhagaon, P.S.-Sandesh, District-Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Cum-Collector, Bhojpur (Ara).
3. The District Programme Officer, Bhojpur (Ara).
4. The Sub-Divisional Officer, (Civil Sadar, Sub-Division Bhojpur, Ara.
5. The Deputy Collector, Incharge Land Reforms, Sadar Sub-Division, Bhojpur, Ara.
6. The Circle Officer, Sandesh, District-Bhojpur (Ara).
7. Surendra Ram S/o Chandrika Ram, Resident of Village-Akha Gaon, P.S. Sandesh, District-Bhojpur (Ara).

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Prakash Srivastava, Advocate Mr. Ajay Kumar Sinha, Advocate Mr. Santosh Bharti, Advocate Mrs. Anu Priyadarshni, Advocate
For the Respondents	:	Mr. Abhimanyu Sharma, Advocate
For the State	:	Mr. Majid Mahboob Khan, AC to AAG-12

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 03-01-2019 The following relief is sought for in the present writ
application on behalf of the petitioner.

(1) That this instant writ petition is being filed on behalf of the above named petitioner, for restoring the respondent no.2 to 6 to remove the unauthorized encroachment for the land bearing Khata No.861 Plot No.514 is situated in the village Akhagaon, Mahal Saripur Bachri, District Bhojpur (Ara) because the private respondent no.7 without any statutory authorization encroached the public land, this plot is recorded as 'Anabad Bihar Sarkar' in the



Revisional Survey Khatian. Out of this plot 9 ½ decimals of land have already been settled with various persons of the village as detailed hereunder:-

- (I) Amir Chand Pandit – 0.02 decimal
- (ii) Dasai Sao - 0.04 decimal
- (iii) Ranjit Sao - 0.01/2 decimal
- (iv) Phoolpati Devi - 0.03 decimals.

The total area of the land in respect of Khata No.861 Plot No.514 is 12 decimals, out of which 9.5 decimals were settled in favour of the persons above named. The remaining 2.5 decimals has been settled in favour of Respondent No.7 under Bihar Privilege Persons Homestead Tenancy Act, 1947. Same is evident from Annexure R-3 to the counter affidavit, order dated 8.3.2001 passed in Rev. Misc. Appeal 26/98-99. The aforesaid order is not under challenge in the present writ application. The said order is said to have been passed under Section 21 of the Bihar Privilege Persons Homestead Tenancy Act, 1947. In the light of the said order, the private respondent No.7 cannot be said to be an encroacher.

Learned counsel for the petitioner seeks permission to withdraw the present writ application with a liberty to approach before competent Civil Court for redressal of her



grievance/grievances.

Permission is accorded.

Accordingly, the present writ application is
dismissed as withdrawn.

(Sudhir Singh, J)

Narendra/-

U			
---	--	--	--

