

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15953 of 2019

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Shambhu Sah Son of Late Mahendra Sah Resident of Village- Harka Yaswant,
P.O.- Harka Mansahi, Police Station- Minapur, District- Muzaffarpur, Bihar,
Pin- 843128.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue Department,
Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate Muzaffarpur.
3. The Senior Superintendent of Police Muzaffarpur.
4. The Deputy Collector Land Reforms East Muzaffarpur.
5. The Circle Officer Anchal- Meenapur, District- Muzaffarpur.
6. The Mukhiya Gram Panchayat, Harka Mansahi, P.S.- Meenapur, P.S.-
Meenapur, District- Muzaffarpur.
7. The Thanadhyaksha, (Officer- Incharge Meenapur Police Station) P.S.-
Meenapur, District- Muzaffarpur.
8. Bachha Singh@ Bachha Prasad Singh Son of Late Hakin Singh Resident of
Village- Jhitkahiya, Jhitkahi @ Madho Chapra, Harka Yaswant, Police
Station- Minapur, District- Muzaffarpur.
9. Brajesh Singh Son of Jitendra Singh Resident of Gauri Gama, P.S.-
Meenapur, District- Muzaffarpur.
10. Amresh Bhardwaj Son of Jitendra Singh Resident of Gauri Gama, P.S.-
Meenapur, District- Muzaffarpur.
11. Rupesh Kumar Singh Son of Yashwant Singh Resident of Jhitkai, P.S.-
Meenapur, District- Muzaffarpur.
12. Bhupesh Kumar Singh Son of Yashwant Singh Resident of Jhitkai, P.S.-
Meenapur, District- Muzaffarpur.
13. Bhup Narayan Singh Son of Late Hakim Singh Resident of Jhitkai, P.S.-
Meenapur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Basant Kumar Tripathy Mr. Anand Sharan Mr. Mahesh Prasad
For the State	:	Mr.Raj Kishore Roy (Gp18) Mr. Abhay Kumar Kashyap, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-08-2019 Following is the relief, which the petitioner is



seeking:-

“That this is an application for issuance of a writ of mandamus directing the respondent’s-1st set to remove the encroachment boundary wall and other materials over the land of the petitioner situated at Mauza-Meenapur, Thana No.542, Khata No. 23, Khesra No. 340, Area 0.13 decimals, erected by the respondent-2nd set forcefully and illegally. The petitioner further prays for measurement of this parental landed property so that the respondent 2nd set can not be able to trespass the area of the petitioner under the provisions of the section 15 of the Bihar Land Disputes Resolution Rules 2010. The petitioner has given up his hope as to resolve the disputes expeditiously. The competent respondent 1st set authorities have been delaying the matter in spite of several representations and proceedings initiated over the land of the petitioner. The respondent-2nd set have set their minds to disturb the family by filing concocted cases and land of the petitioner due to carelessness of the respondent 1st set. The police force is not being deployed



to remove the anti social activities over the land in question.”

It is evident from the pleadings of the writ application and the annexures that there is dispute between the petitioner and the private respondents in respect of the title over the land, in question. Respondent no.6 appears to have approached this Court earlier by filing CWJC No. 9041 of 2019, which came to be disposed of by an order dated 24.04.2019. In the said writ application, a notice issued by the Circle Officer, Meenapur, Muzaffarpur dated 26.03.2019 was under challenge, which related to removal of encroachment under the Bihar Public Land Encroachment Act. Finding absence of jurisdiction of the Circle Officer, this Court, while quashing the notice dated 26.03.2019, had remanded the matter back to the Circle Officer to take a fresh decision.

In respect of the said case, it has been stated in paragraph 4 of the writ application that respondent no.8 had filed a false and fabricated case, showing the dispute over the lands, in question, without impleading the petitioner as party respondent in CWJC No. 9041 of 2019. It has also been stated that though the land, in question, admeasuring 0.13 decimal belongs to the petitioner, respondents-2nd set have greedy eyes



over the land and are trying to occupy the same.

Be that as it may, the relief, which the petitioner is seeking and the grievance, which he has raised, cannot be gone into the present proceeding.

This writ application is disposed of with a liberty to the petitioner to approach the appropriate forum, in accordance with law, for redressal of his grievance.

(Chakradhari Sharan Singh, J)

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