

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21211 of 2019

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Shanti Devi, Aged about 67 years, Female, Wife of Ashok Kumar, Resident of Village Konch, P.S.- Guraru, District- Gaya, present residing of Shanti Niwas Hasanpur Road Beur, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner, Magadh Division, Gaya, District- Gaya.
2. The District Magistrate Gaya.
3. The Deputy Collector of Land Reforms (DCLR) Gaya.
4. The Sub Divisional Officer (SDO) Tekari, Gaya.
5. The Circle Officer, Guraru
6. Dhananjay Kumar @ Tunni Yadav, Son of Late Janki Yadav Resident of Village Konch, P.S.- Guraru, District- Gaya.
7. Umesh Yadavi S/o Late Shukhdev Yadav Resident of Village Konch, P.S.- Guraru, District- Gaya.
8. Mahesh Yadav S/o Late Shukhdev Yadav Resident of Village Kochi, P.S.- Goraru, District- Gaya.
9. Dinesh Yadav S/o Late Shukhdev Yadav Resident of Village Kochi, P.S.- Goraru, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-10-2019 Heard both sides.

The petitioner filed this writ petition seeking relief for removal of illegal encroachment from raiyati land of the petitioner bearing Plot No.1862, Khata No.73 on which the respondents are constructing drainage.

Learned counsel for the petitioner submits that the petitioner is the owner of Plot No.1862 of Khata No.485 and the



drainage is being constructed over her land. It is further submitted that by Annexure-7, the petitioner filed petition before the Collector, Gaya along with the report of the *Amin* that by encroaching upon the land of the petitioner, drainage is being constructed but it appears from perusal of Annexure-4 itself that the Circle Officer, Guraru noticed the petitioner when the petitioner objected construction of drainage stating therein that drainage was constructed on Plot No.1860 which is *Gair Mazarua Aam* and the boundary of Plot No.1862 is besides the drainage and asked the petitioner to appear and file show cause with the evidence but the petitioner did not appear before the Circle Officer and she filed petition before the Collector/Sub-divisional Officer. If the petitioner has got any grievance of encroachment of his land for construction of drainage, the petitioner should have appeared before the Circle Officer with the documents. Mere assertions of the petitioner that her land is being encroached without any basis, no writ can be issued for removal of encroachment unless it is proved that the land of the petitioner is encroached.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.



The petitioner, if so advised, may appear before the
Circle Officer, Guraru and file reply to the show cause issued to
him on 15.11.2017.

(Prabhat Kumar Jha, J)

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