

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2918 of 2020

=====

Mahesh Thakur Son of Shahdeo Thakur, Resident of Village- Jayantipur, P.S. Jayantipur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principle Secretary, Department of Revenue and Land Development, Government of Bihar, Patna.
3. The District Collector, Darbhanga.
4. The Additional Collector, Darbhanga.
5. The Sub Divisional Officer, Benipur, Darbhanga.
6. The Circle Officer, Alinagar, Darbhanga.
7. Sri Dhanik Thakur, Son of late Kalar Thakur,
8. Sri Bhikhari Thakur, Son of Late Jugal Thakur,
9. Sri Gareeb Thakur, Son of late Nage Thakur,
10. Sri Mahendra Thakur, Son of Faudar Thakur,
11. Sri Jogendra Thakur, Son of Faudar Thakur,
12. Sri Kapleshwar Thakur, Son of late Amrit Thakur,
13. Sri Shivaji Yadav, Son of Chalittar Yadav,
14. Sri Chiranjiv Thakur, Son of late Bindeshwar Thakur,
15. Sri Baleshwar Thakur, Son of late Amrit Thakur,
16. Sri Shobhit Thakur, Son of late Keshav Thakur,
17. Sri Bhagwani Thakur, Son of late Nage Thakur,
18. Sri Shravan Yadav, Son of late Chanar Yadav,
19. Sri Bachhe Lal Son of late Dukhran Yadav,
20. Sri Raj Kumar Yadav, Son of late Choudhary Yadav,
21. Sri Ratneshwar Paswan, Son of late Ratilal Paswan,
All Residents of Village- Jayantipur, P.S. Jayantipur, District- Darbhanga, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh, Advocate Mr. Vaibhav Vikram Singh, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan (SC-25)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 03-03-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:

“(i) To issue further appropriate writ, order or direction commanding the Respondent District Collector, Darbhanga/Circle Officer, Ali Nagar, Darbhanga to remove the Encroachment from the Public land appertaining to Khata No. 50, Plot No. 1341, Area 27 Dismal, Khata No. 1817, Plot No. 3725 Area 11 Dismal situated in Mauza Harshingpur, Tole Jayantipur, Thana No. 253 under Alinagar Circle in the District of Darbhanga by the Private Respondents so that the Aam (General) Rasta of the village as well as Village “Nala” is not stopped from functioning and the public land which is a village Rasta be made accessible for public use of entire Village.

(ii) To issue further appropriate writ, order or direction commanding the Respondent Principal Secretary to institute a high level inquiry into the matter of preparation of illegal and fraudulent paper created by Encroachers with respect to Encroached public land due to which entire village are facing problem due to the blockage of the access from public land.

(iii) To issue further an appropriate order or direction for quashing the Order dated 04.04.2018 whereby and where under the Additional Collector (Public



Grievances Redressal), Darbhanga has in the most mechanical manner ,dismissed the petition filed by the Villagers for removal of encroachment from the public land erroneously holding that the encroachers have been given Land Revenue receipt for the said encroached land by Bhudaan Yagya Karyalaya Committee, Darbhanga and therefore, the process of removal of encroachment cannot be carried out against them ignoring the fact that Encroached land is a public land even in the Govt. revenue records also.

(iv) To issue further appropriate writ, order or direction commanding the Respondent District Collector, Darbhanga to declare the Land Revenue Receipt obtained fraudulently by practicing fraud by the encroachers for the said Public land to be illegal and accordingly cancel the said Land Revenue receipts.

(v) To adjudicate and hold that the Land Revenue Receipt fraudulently created by the Encroachers is totally forged, fabricated, illegal and baseless as no receipt can be issued by any Bhudan Committed with respect to the Public Land and the same should be definitely declared as null and void as the same is not sustainable in the eye of law.

(vi) To adjudicate and hold that the encroachments made by the encroachers is totally illegal as all the Encroachers are holding substantial piece of land and as such they are not at all entitled for any settlement from any Authority or committee and as such Encroachment is fit to be removed without any further



delay.

(vii) To adjudicate and hold that inaction on the part of Respondent Collector/Circle officer in the matter of removal of Encroachments from the public land is definitely an act of malafide and arbitrary exercise of the authority.

(viii) To adjudicate and hold that the land on which the Encroachment is made belongs to the Government and is a public land used as a village Rasta as well as Nala wherein any individual including the Encroachers cannot encroach by any means whatsoever.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the District Collector, Darbhanga to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the respondents states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.



We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

It is made clear that we have not expressed any opinion on the merits of the case.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajeev Kumar/-
PKP

U			
---	--	--	--

