

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16815 of 2019

Bhartiya Krishi Mazdur Sangh through its Secretary Paras Nath Sahay, aged about 35 years (Male), resident of village- Loshghani, P.s.- Piri Bazar, Distt.- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Rural Development Department, Old Secretariat, Patna
3. The District Magistrate v Lakhisarai
4. The Subdivisional Officer Lakhisarai
5. The Circle Officer Suryagarha, Lakhisarai
6. The Revenue Karmchari Suryagarha Block, Lakhisarai
7. Mantu Paswan S/o Late Biso Paswan Vill.- Kashichak, P.s.- Piri Bazar, Distt.- Lakhisarai
8. The Mukhia Gram Panchayat Maheshpur, Suryagarha, Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan Prasad
For the Respondent/s : Mr.Anjani Kumar (Aag4)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 03-02-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for following relief-s:-

“The present application is directed for
issuance of an appropriate Writ/Writs, order/orders,
direction/directions commanding the respondents not



to pass an illegal order and also direct the respondents to enquire about the matter of Garmazarua Land on which there is Ahar-Nala filled with water for irrigation of Agriculture lands of entire locality, if this Ahar- Nala is disturbed by few people by filling up earth for construction of houses of the Ahar, the thousand of people of the locality will be disturb, their livelihood will be in danger due to non-production of grain in the agriculture field be in danger due to non-production of grain in the agriculture field of the people of locality and they will be hand to mouth for food in absence of water and in absence of irrigation, because the area is semi Hili and due to irrigation of agriculture field through this Ahar-Nala, the people of locality are survive by producing grain for their livelihood but some people in their own interest has encroached that land bearing Mauza No.73, Khata no.324, plot no.1214, Area-96 dec. Kisim of land-Ahar-Garmazarua land. This very land has been encroached by seven people of the locality by constructing mud built houses on this very land and which is meant for irrigation of agriculture fields of the locality. Among these seven persons one is Mantu Paswan and others are their family members.”

The factum of encroachment over the land in question is not disputed by the respondents/State in its affidavit dated 28.11.2019 and in para-11 thereof it has been stated that having received the report from Anchal Amin the answering respondent



no.5 issued notice to the named encroachers in prescribed Form-I of Bihar Public Land Encroachment Act, 1956.

From the bare reading of para-11 of the affidavit, it is evident that the proceeding under the Bihar Public Land Encroachment Act has been initiated. In the rejoinder to the affidavit, sworn by Paras Nath Sahay, it is mentioned that proceedings have not yet been initiated against Mantu Paswn, son of Bisho Paswn.

The learned counsel for the State states that on physical verification of the spot, proceeding, if not already initiated against all the encroachers, shall positively be done within a period of four weeks from today. The statement is accepted and taken on record.

In view of the same, petition stands disposed of with the following directions:-

a) Proceeding for removal of encroachment in relation to the property in question, i.e., Gairmazura land in Aahar nala, comprising Mauza no.73, Khata no.324, plot no.1214, shall positively be initiated within a period of four weeks from today.

b) Such of those proceedings which have already been commenced under the provisions of the Act, shall be



concluded within six months thereafter, and only after affording opportunity of hearing to all concerned, the proceeding shall be adjudicated on its own merit.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

B.Kr./-

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