

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12419 of 2018

1. Vijay Kumar Son of Nandu Prasad
2. Ram Pravesh Yadav, Son of Late Ram Prit Yadav
3. Dharmendra Kumar, Son of Mahendra Yadav
4. Ramlakhan Yadav, Son of Late Jila Yadav
5. Guddu Kumar, Son of Govind Yadav
6. Ram Naresh Kumar, Son of Jagdish Yadav
7. Ambika Yadav, Son of Late Rambriksh Yadav
8. Vijay Kumar, Son of Lalu Prasad

All are residents of Village- Nigar Pali, Pokhar Par, Police Station- Pali,
District- Jehanabad.

... .. Petitioners.

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Additional Collector, Jehanabad.
4. The Circle Officer, Kako, District- Jehanabad.
5. The Superintendent of Police, Jehanabad.
6. The Officer-in- Charge, Pali Police Station, Jehanabad.

... .. Respondents.

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
Mr. Chandra Kishore Kumar, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG.-3
Mr. Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-12-2020

Petitioners have prayed for following relief(s) :-



“(i) For issuance of writ of Mandamus commanding the respondent to remove the encroachment from the land bearing Khata No.280, Plot Nos. 382 and 459 in Alinagar Pali, which is recorded as Gair Majarua Aam in the record of the land (Khatian) which has been encroached by the anti-social element with the help of Muscle Man and the land was being used for the approach of the Road by the villagers.

(ii) For removal of the encroachment from the Road which surrounds the Pokhar near the land in question as that is also encroachment by the same elements and despite order of this Court the respondents-authorities are sitting tight over the matter.

(iii) For the other reliefs for which the petitioners are entitled in the facts and circumstances of the case.”

The State in its response has taken a stand that there is no encroachment over public land nor any unauthorized construction raised by any person.

As such, we close the present proceedings reserving liberty to the writ-petitioners to take recourse to such remedies as are otherwise available in accordance with law.

We clarify that as and when such petition is filed, the same shall be decided in accordance with law and in the decision thereof, the stand taken by the State shall not come in the way and it shall be open for the petitioners to lead evidence and highlight the manner in which the encroachment, unauthorized in nature, stands made by the even such persons



who are also not impleaded as party-respondents.

Petition stands disposed of with the aforesaid liberty.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.12.2020
Transmission Date	

