

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 767 of 2020

1. Brij Kishor Prasad, Male aged about 54 years, Son of Late Mahadeo Mahto resident of Village- Sarilchak, P.O.+ P.S. + District- Nalanda, at present Resident of Village- Lodipur, P.O. Mokhtarganj (Andbas) P.S. Chabilapur, District- Nalanda.
2. Pravind Kumar @ Pravind Prasad, Male, aged about 35 years, Son of Puneshwar Mahto, resident of Village- Sarilchak, P.O.+ P.S.+ District- Nalanda, at present Resident of Village- Lodipur, P.O. Mokhtarganj (Andbas) P.S. Chabilapur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda at Biharsharif.
3. The S.D.O., Rajgir, Nalanda.
4. The Deputy Collector, Land Reforms (D.C.L.R.), Rajgir, Nalanda.
5. The Circle Officer, Rajgir, Nalanda.
6. The Deputy Superintendent of Police, Rajgir, Nalanda.
7. The Thana Prabhari, P.S. Chabilapur, Rajgir, District- Nalanda.
8. Rajendra Prasad Son of Late Yadu Nandan Prasad resident of Village- Lodipur, P.O. Mokhtarganj (Andbas), P.S. Chabilapur, District- Nalanda, Pin- 803116.
9. Pramod Prasad Son of Late Yadu Nandan Prasad resident of Village- Lodipur, P.O. Mokhtarganj (Andbas), P.S. Chabilapur, District- Nalanda, Pin- 803116.
10. Saryug Prasad Son of Late Shiv Narayan Prasad resident of Village- Lodipur, P.O. Mokhtarganj (Andbas), P.S. Chabilapur, District- Nalanda, Pin- 803116.
11. Anuj Prasad Son of Late Somar Mahto resident of Village- Lodipur, P.O. Mokhtarganj (Andbas), P.S. Chabilapur, District- Nalanda, Pin- 803116.
12. Krishna Prasad Mother of Late Nathiya Devi, Wife of Late Sukan Mahto resident of Village- Lodipur, P.O. Mokhtarganj (Andbas), P.S. Chabilapur, District- Nalanda, Pin- 803116.
13. Awadhesh Prasad Mother of Late Nathiya Devi, resident of Village- Lodipur, P.O. Mokhtarganj (Andbas), P.S. Chabilapur, District- Nalanda, Pin- 803116.
14. Pinki Devi, Wife of Late Rajesh Prasad, Daughter-in- Law of Late Nathiya Devi, wife of Late Sukan Mahto. resident of Village- Lodipur, P.O. Mokhtarganj (Andbas), P.S. Chabilapur, District- Nalanda, Pin- 803116.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kamala Prasad Roy,
Mr. Satya Ranjan Sinha and



For the State : Ms. Seema Kumari, Advocates
Mr. Birendra Prasad Singh, AC to SC 19

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 14-01-2020

Heard learned counsel for the petitioners and learned
AC to SC 19 for the State.

2. The petitioners have moved the Court for the
following reliefs:

“(I) To direct the concerned Respondents to help/Co-operate the petitioners from Private Respondents to vacate the lands of Plot no. 337, 545, Khata no. 13, 14, Thana no. 507, Mauza-Lodipur, P.O.-Mokhtarganj (Andbas), Rajgir, P.S.-Chabilapur, District-Nalanda which the Private Respondents are disturbing from doing the Agriculture work to the petitioners forthwith.

II. To direct the concerned Respondents to disposed of the representation filed by petitioners on 15.10.2019 before the District Magistrate, Nalanda forthwith.

III. To restrain the Private Respondents not to disturb the petitioners and their family.

IV. To grant any other relief/reliefs which the petitioners are entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submitted that
their land has been encroached by the private respondents and he
has moved the District Magistrate for relief.

4. Learned counsel for the State submitted that the
petitioners have to approach the authorities under the Bihar Land



Disputes Resolution Act, 2009 (hereinafter referred to as the ‘Act’).

5. Faced with the situation, learned counsel for the petitioners submitted that the writ petition be disposed off with liberty to the petitioners to move under the aforesaid Act.

6. In view thereof, the writ petition stands disposed off with liberty aforesaid.

7. If the petitioners approach the Competent Authority under the aforesaid Act, the same shall be considered and disposed off, in accordance with law, expeditiously and latest within a period of six months from the date of filing of such application before it.

(Ahsanuddin Amanullah, J.)

P. Kumar

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