

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6424 of 2020**

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Alimuddin Son of Late Md. Kantu Resident of Village- Birnea Tola, P.S.-  
Bahadurganj, District- Kishanganj- 855101.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Kishanganj.
2. The District Magistrate, Kishanganj.
3. The Deputy Collector Land Reforms, District- Kishanganj.
4. The Sub Divisional Officer, Sub Division- Kishanganj, District- Kishanganj.
5. The Circle Officer, Bahadurganj, District- Kishanganj.
6. The Officer-in- Charge, Bahadurganj Police Station, District- Kishanganj.
7. Sulindar Sharma son of Late Banarsi Sharma Resident of Village- Bahadurganj, Main Road Registry Office, Ward No. 7 (Nagar Panchayat), P.S.- Bahadurganj, District- Kishanganj.
8. Sandhya Devi Wife of Late Ram Vilas Sharma Resident of Village- Bahadurganj, Main Road Registry Office, Ward No. 7 (Nagar Panchayat), P.S.- Bahadurganj, District- Kishanganj.
9. Pappu Sharma son of Late Ram Vilas Sharma Resident of Village- Bahadurganj, Main Road Registry Office, Ward No. 7 (Nagar Panchayat), P.S.- Bahadurganj, District- Kishanganj.
10. Jittu Sharma son of Late Ram Vilas Sharma Resident of Village- Bahadurganj, Main Road Registry Office, Ward No. 7 (Nagar Panchayat), P.S.- Bahadurganj, District- Kishanganj.
11. Geeta Sharma wife of Pappu Sharma Resident of Village- Bahadurganj, Main Road Registry Office, Ward No. 7 (Nagar Panchayat), P.S.- Bahadurganj, District- Kishanganj.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr. Rashid Izhar, Advocate  
For the Respondent/s: Mr. Rishi Raj Sinha, SC-19

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date : 29-11-2021**

Heard learned counsel for the petitioner and learned  
counsel for the respondents. Learned counsel for the petitioner  
hereby undertakes to remove all defects pointed out by the Stamp



Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition -

*“(I) Issuance of writs in the nature of mandamus, commanding the respondents especially respondent no. 3 to give effect to its own order dated 10.10.2013 and the order passed in Land Dispute Appeal No. 55 of 2014 dated 17.05.2017 passed by the Commissioner, Purnea Division, Purnea and remove the illegal occupation/nuisance of the Private Respondents from the land situated in Mauza- Bahadurganj, Revenue Thana No. 359, Bahadurganj within District- Kishanganj bearing plot no. 441 of Khata No. 50 of village- Bvirnea Tola Sameshsar, Circle Office- Bahadurganj.*

*(II) Issuance of writ or writs in the nature of mandamus, directing the respondent no. 3 to accept the Registration of Miscellaneous Case approached by the petitioner to be filed before the respondent no. 3 but the office refused to accept the same and has denied the claim of the petitioner of issuing direction for removal of illegal occupation/nuisance of the private respondents.*

*(III) For issuance of writ or writs of MANDAMUS, commanding the respondent no. 3 to get the illegal occupation/nuisance of the private respondents removed through himself or through any other Officer of the encroachers after passing an Order under Section 15 of*



*the 2009 Act within a time framed and enforce the same as per the provision of Law under the Act.*

*(IV) Issuance of such other direction or direction to the respondents authorities to take appropriate punitive action against the private respondents and hand over peaceful possession of the landed property as described above to the petitioner in terms of the Order dated 10.10.2013 passed by D.C.L.R., Kishanganj (respondent no. 3) affirmed by the Commissioner, Purnea Division, Purnea by Order dated 17.05.2017 passed in Land Dispute Appeal No. 55 of 2014.*

*(V) Grant such other relief/reliefs as your Lordships may deem fit and proper.”*

3. Learned counsel for the petitioner specifically presses prayer no. (II) and submits that despite the order dated 10.10.2013 in B.L.D.R. Case No. 35/2013-14 (Annexure-4) having been passed by the D.C.L.R., Kishanganj in favour of the petitioner by directing the private respondents to remove the encroachments on the subject land, and that Land Dispute Appeal No. 55 of 2014 filed by the opposite party having been dismissed for default, the land in question continues to be encroached. The petitioner has filed a miscellaneous application under *Section 15 of the Bihar Land Disputes Resolution Act, 2009* before the D.C.L.R., Kishanganj on 20.08.2019 (Annexure-6) for giving effect to the aforesaid order



dated 10.10.2013, which however is not being proceeded with for no apparent reason.

4. Learned counsel for the State appears and has been heard.

5. Having regard to the nature of grievance of the petitioner, the writ petition is disposed of with a direction to the D.C.L.R., Kishanganj to process the miscellaneous application said to have been filed by the petitioner on 20.08.2019 (Annexure-6) and dispose of the same on its own merits, if still pending, after grant of opportunity of hearing to the petitioner in accordance with law, expeditiously and in any event preferably within a period of three months from the date of receipt/production of a copy of this judgment.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Vikash Jain, J)**

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| <b>AFR/NAFR</b>          | NAFR       |
| <b>CAV DATE</b>          | N.A.       |
| <b>Uploading Date</b>    | 02.12.2021 |
| <b>Transmission Date</b> | N.A.       |

