

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5890 of 2020

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1. Sakuntala Devi W/o Late Brij Nandan Singh, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.
 2. Niraj Kumar , Son of Late Brij Nandan Singh, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.
 3. Yugal Kumar, Son of Late Brij Nandan Singh, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.
 4. Raja Ram Paswan, Son of Late Chhotan Paswan, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.
 5. Deviya Devi, W/o Late Surendra Paswan, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.
 6. Anju Devi, W/o Late Ram Janam Paswan, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Land Reforms and Revenue, Government of Bihar, Old Secretariat, Patna.
2. District Magistrate-Cum-Collector, Patna.
3. Deputy Collector of Land Reforms, Patna City, Patna.
4. Circle Officer, Daniyawan Circle, Police Station- Fatwah, District- Patna.
5. Harekrishna Hareram, Son of Late Tulsi Narayan Singh, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.
6. Gaurishankar Son of Harekrishna Hareram, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.
7. Shiv Shankar@Sandeep Kumar, Son of Harekrishna Hareram, Resident of Village- Machhariyawan, Police Station- Fatwah, District- Patna.
8. Krishna Prasad, Son of Late Chhotu Mahto, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.
9. Ranjeet Kumar, Son of Late Chhotu Mahto, Resident of Village-Machhariyawan, Police Station- Fatwah, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Shekhar
For the Respondent/s : Mr. Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-11-2021 Heard Mr. Raj Shekhar, learned counsel for the

petitioners and Mr. Md. Khurshid Alam, learned A.A.G.-12 for



the State.

Learned counsel for the petitioners submits that due to encroachment made on public road and public pond in front of the houses of the petitioners, their passage as well as ingress and exit have been obstructed for which a direction may be issued to the State authorities to remove the encroachment in accordance with law.

Mr. Md. Khurshid Alam, learned A.A.G.-12 for the State submits that Circle Officer, Daniyawan Circle, P.S.- Fatwah, District - Patna has already initiated encroachment proceeding against the encroachers vide Encroachment Case No. 01 / 2019-20 which is pending and if the petitioners have any grievance, they can file a petition for impleading them in the encroachment proceeding for removal of encroachment upon the subject land.

I have heard learned counsel for the parties and in view of the relief sought for by the petitioners and the submissions made by learned counsel for the State, the present writ application is disposed of with permission to the petitioners to file application before the respondent no. 4 / Circle Officer, Daniyawan Circle, P.S.- Fatwah, District – Patna for impleading them as party in the encroachment proceeding in support of the



removal of encroachment from the government land. If such an application is filed by the petitioners, the learned Circle Officer, Daniyawar Circle, P.S.- Fatwah, District- Patna / respondent no. 4 is directed to consider the same in accordance with law and pass appropriate order in this regard.

With the aforesaid observation and direction, this writ petition is disposed of.

(Anil Kumar Sinha, J)

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