

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13049 of 2013

1. Ram Nath Singh Son Of Late Ganga Ram Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
2. Sheo Balak Singh Son Of Late Ram Deo Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
3. Jai Ram Singh Son Of Late Jit Lal Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
4. Hira Lal Singh Son Of Late Sriram Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
5. Basu Nayak Singh Saon Of Jit Lal Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
6. Jagdish Singh Son Of Late Ganga Ram Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
7. Prabhu Nath Singh Son Of Late Shyamanand Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
8. Ram Pravesh Singh Son Of Late Ram Tapeswar Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
9. Shila Nath Singh Son Of Late Rameshwar Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
10. Moti Lal Singh Son Of Late Sriram Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
11. Bachcha Singh Son Of Late Raghu Nath Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
12. Shatrughan Singh Son Of Late Raghu Nath Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
13. Jadubans Singh @ Yaduvansh Singh Son Of Late Rang Nath Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
14. Suresh Singh Son Of Late Raghu Nath Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
15. Dhananjay Singh Son Of Late Madhav Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
16. Sheoji Singh Son Of Late Fekan Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
17. Gauri Shankar Singh Son Of Late Bigan Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
18. Jadunath Singh @ Yadu Nath Singh Son Of Late Rang Nath Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
19. Baldeo Singh Son Of Late Brij Bihari Singh Resident Of Village- Bishen Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar
20. Sukhdeo Singh Son Of Late Samanand Singh Resident Of Village- Bishen



Tola, P.O.- Gultenganj, P.S.- Chapra Muffassil, District- Saran Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department Of Assistance and Rehabilitation, Government Of Bihar, Patna
3. The Divisional Commissioner, Saran Division, Chapra, District- Saran Bihar
4. The District Magistrate, Saran At Chapra, District- Saran Bihar
5. The Additional District Magistrate, In-Charge District Revenue-Ii, Chapra, District- Saran Bihar
6. The Circle Officer, Circle Office Sadar, Chapra, District- Saran Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vindhyachal Singh, Adv.
For the Respondent/s : Mr.Manish Kumar GP8

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 11-02-2021 Heard learned counsel for the parties.

In the present case, learned counsel for the petitioners submits that this case is entirely covered by the order dated 7.1.2021 passed in C.W.J.C. No. 21228 of 2013 by which the Court has set aside the impugned order remanding the matter back for further consideration.

In this case, the petitioners have constructed the house on the land admittedly of the government but, they are claiming that they are the persons who have been settled by the State Government on the ground that the river Ganges has changed its course and they have also been provided with the ration card, electric connection as also the settlement has been made by oral



order by the State authority.

The plea taken by the petitioners was not accepted and, against that, an appeal was filed bearing Land Encroachment Appeal no. 2 of 1994 wherein the District Magistrate, Saran at Chapra did not find any merit in the case and, accordingly, rejected the appeal but, this Court, vide aforesaid order dated 7.1.2021 passed in CWJC No. 21228 of 2013, quashed the impugned order with a direction to hold detailed enquiry with regard to entitlement of the petitioners for settlement and pass a fresh order.

As the matter is identical, in such circumstances, the impugned order dated 11.3.2013 passed in Land Encroachment Appeal No. 02 of 1994 is set aside and the matter is remanded back for fresh and proper enquiry to find out as to whether the petitioners are occupying the place as per law or otherwise.

This writ application is, accordingly, disposed of.

(Shivaji Pandey, J)

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