

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1686 of 2020

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Vishal Tiwari @ Gokul Bhooshan Tiwari, Son of Late Chandra Bhushan
Tiwari, Resident of Village-Pandey Patti, P.S.-Buxar (M), District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land and Revenue Department, Bihar, Patna.
2. The Collector, Buxar.
3. The Deputy Collector, Land Reforms (D.C.L.R.), Buxar, District-Buxar.
4. The Superintendent of Police, Buxar, District-Buxar.
5. The Circle Officer, Buxar.
6. Shiv Balak Gond, Son of Late Siyaram Gond, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
7. Ramashray Gond, Son of Late Siyaram Gond, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
8. Radheshyam Gond, Son of Late Banarasi Gond, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
9. Shivji Gond, Son of Late Banarasi Gond, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
10. Sanjay Yadav, Son of Late Nathun Yadav, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
11. Godhan Yadav, Son of Late Har Hangi Yadav, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
12. Sindhu Choudhary, Son of Late Ram Vilas Chaudhari, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
13. Chaturbhuj Chaudhari, Son of Late Shiv Narayan Chaudhari, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
14. Krishna Chaudhari, Son of Shri Dharmraj Chaudhari, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.
15. Govardhan Chaudhari, Son of Prem Chaudhary, Resident of Village-PandeyPatti, P.S.-Buxar (M), District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Mishra, Advocate



Mr. Amit Kumar Mishra, Advocate

For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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

Date : 12-07-2021

Petitioner has prayed for the following relief(s):-

“i) To pass the appropriate writ or direction(s) Commanding the respondents authorities to remove the encroachment done by the Private respondent on the government land recorded in Khatian as “Anabad Serve Sadharan” bearing Khata No. 548, Plot No. 1081, Ara 0.39, Decimal described as Pond situated under Mauja- Pandey Patti, Ward No.6, Village- Pandey Patti, Block Buxar, P.S. Buxar (M), District-Buxar.

ii) To pass the appropriate direction to the government state authorities to release the aforesaid land from the unauthorized Private persons so that the said Plot may be used for Construction of drainage, Patha and also pond of the village Pandey Patti.

iii) To pass appropriate writ or direction(s) which your lordships may deem fit and proper.

From the counter affidavit it appears that the State has taken steps for removal of the encroachment. Paragraphs 5, 6, 7 and 9 of the affidavit reads as under:-



“5.That the deponent states and submit that this writ petition has been filed by the writ petitioner for issuance of appropriate writ/writs, order/orders for commanding the responding authority to remove the encroachment done by private respondents on the Government land, recorded in Khatiyani as Anavad Sarv Sadharan, bearing Khata No. 548, Plot No. 1081 area-39 decimal described as pond, situated under Mauza-Pandey Patti, Ward No. 06, Vill-Pandey Patti, P.S. -Buxar(M), District-Buxar.

Further prayer to pass appropriate direction to the Government or state authority to release the aforesaid land from the unauthorized private person, so that the said plot may be used for construction of drainage, path and also pond of the Village- Pandey patti with other reliefs.

6. That the deponent humbly submits that Encroachment Case No. 12/18-19 has been initiated against the private respondent on the petition of one Tuntun Tiwari of said village. The first notice was issued on 30.03.2019 which was served to the encroachers on 16.04.2019 to remove their encroachment, but they have not remove their encroachment. Some of them appeared on 20.04.2019 before the learned court of the Circle Officer, Buxar against the notice. On 20.04.2019 an order has been passed to remove the encroachment otherwise legal action will be taken against him.

7. That it is submitted that the order



to issue second notice against the encroachers passed on 14.09.2019. On 30.09.2019 some of the encroachers appeared and they submitted that they are living on the said land since long time and they are landless person. But on that date the direction has been passed to remove the encroachment from the public land.

9. That it is submitted that the third notice dated 11-12-2020 has been issued by the Circle Officer, Buxar on the private respondent, which has been served on 12-12-2020 to the 7 private respondent and two namely Bharat Yadav, Pandit Yadav have denied to receive the notice i.e. the notice was pasted on the door of the wall. It is also mentioned that the Chaturbhuj Choudhary has gone to Jharkhand i.e. the notice was not served to him.

It is being humbly submitted in this regard that the next date is fixed on 21-12-2020 and directing them to remove their encroachment from the public land otherwise, the encroachment would be removed on 24-12-2020 with the help of police force.”

In view of the same, we dispose of the present petition with further direction to the respondent authorities to expedite and conclude the proceedings of ejectment within a period of four weeks. Needless to add, the officers/police authorities of Buxar shall render all assistance for removal of the encroachment.



The petition stands disposed in the in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

