

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17693 of 2018

Ajay Kumar Singh Son of Ram Sukhit Singh Resident of Village- Lagma, P.S. Singhia, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate -Cum-Collector, Samastipur.
3. The Additional Collector, Samastipur.
4. The S.D.O. Rosera, District- Samastipur.
5. The Anchal Adhikari Circle Officer, Singhia Anchal, District- Samastipur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 24544 of 2018

Ram Uday Singh Son of Late Gajendra Narayan Singh Resident of Village and P.O.- Lagama, P.S.- Singhia, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Old Secretariat, Patna
2. The District Magistrate, Samastipur
3. The Sub-Divisional Officer, Rosera, Samastipur
4. The Circle Officer, Singhia, Samastipur

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17693 of 2018)

For the Petitioner/s : Dr. Mayanand Jha, Advocate

For the Respondent/s : Mr.Md.Khurshid Alam, AAG-12

(In Civil Writ Jurisdiction Case No. 24544 of 2018)

For the Petitioner/s : Mr.Amit Kumar Singh, Advocate

For the Respondent/s : Mr.Subash Chandra Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 06-09-2022 The first writ petition has been filed for removal of the encroachment in question whereas the second writ petition has been filed for quashing the encroachment proceedings initiated vide Encroachment Case No. 9 of 2017-18 as also the order dated 07.09.2018, passed in Appeal Case No. 90 of 2018 by the learned court of Collector, Samastipur. The learned senior counsel, appearing for the petitioner of the first case has submitted that it is not only the petitioner of second case who is



an encroacher of the land in question but there are others, who are liable to be evicted. In this regard, this Court finds that appropriate orders have already been passed by the Circle Officer, Singhia, District-Samastipur, hence the District Magistrate, Samastipur is directed to take appropriate action, in accordance with law, forthwith.

As regards, the second case, the learned counsel for the petitioner has submitted that the father of the petitioner had filed a title suit before the learned court of Assistant Settlement Officer, Darbhanga bearing Title Case No. 1462 of 2005 and the Assistant Settlement Officer, vide order dated 16.10.2009 has directed to expunge the name of the opposite parties of that case and instead has directed to substitute the name of the father of the petitioner in the land records. On the strength of the said order dated 16.10.2009, it is contended that the petitioner is having right, title and interest over the land in question, however, the learned senior counsel for the petitioner of the first case has objected to the said submission and has submitted that the veracity of the said order dated 16.10.2009 is itself doubtful and in any view of the matter, since the State of Bihar was not a party to the said proceedings, the said order dated 16.10.2009 is not binding on the State of Bihar apart from the



fact that the same neither declares nor can declare the right, title and interest of the petitioner over the land in question.

In view of the aforesaid disputed question of facts involved in the present cases, the learned counsel appearing for the petitioner in the second case seeks liberty on behalf of the petitioner to file appropriate review petition under Section 13 of the Bihar Public Land Encroachment Act, 1956 for redressal of his grievances.

Liberty so sought is granted.

It is needless to state that in case a review petition is filed by the petitioner of the second case within a period of two weeks from today, status quo existing as on today, with regard to the land in question, shall be maintained till the disposal of the review petition.

It is needless to state that the proceedings shall be taken to their logical conclusion and necessary consequences shall follow, accordingly.

The aforesaid two writ petitions stand disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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