

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.361 of 2020

In
Miscellaneous Jurisdiction Case No.2437 of 2018

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Sheojee Roy Son of Late Gariba Roy Resident of Village- Situhari, P.S.-
Narayanpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna-cum-2nd, Appellate Authority (Public Grievance Redressal) namely Brajesh Mehrotra.
2. Divisional Commissioner, Patna-cum-1st, Appellate Authority (Public Grievance Redressal) namely Anand Kishore.
3. The District Magistrate, Bhojpur at Arrah 1st appellate authority Public Grievance redressal namely Sri Surendra Prasad.
4. The Additional Collector, Bhojpur at Arrah 1st, appellate authority Public Grievance redressal namely Shri Surendra Prasad.
5. Sub-Divisional Magistrate Sadar Arrah-cum-Public Grievance Redressal Officer Sadar Arrah namely Arun Prakash.
6. Land Reforms Deputy Collector, Sadar Arrah namely Budha Prakash.
7. Circle Officer, Agiaon, namely Anil Kumar.
8. Officer-in-Charge, Narayanpur, in the district of Bhojpur namely Birendra Paswan.
9. Dinesh Rai Son of Late Hari Nandan Ray Resident of Village- Situhasi, P.S.- Narayanpur, District- Bhojpur.
10. Ramakant Mauar Son of Late Ram Deep Mauar Resident of Village- Situahi, P.S.- Narayanpur, District- Bhojpur.
11. Lal Mohar Choudhary Son of Late Bandhu Choudhary Resident of Village- Situahi, P.S.- Narayanpur, District- Bhojpur.
12. Rajendra Sharma Son of Lakhu Sharma Resident of Village- Situahi, P.S.- Narayanpur, District- Bhojpur.
13. Binod Sharma Son of Bhola Sharma Resident of Village- Situahi, P.S.- Narayanpur, District- Bhojpur.
14. Jai Narayan Sah Son of Late Ram Gobind Sah Resident of Village- Situahi, P.S.- Narayanpur, District- Bhojpur.
15. Narendra Ram Son of Late Raghav Ram Resident of Village- Situahi, P.S.- Narayanpur, District- Bhojpur.
16. Subodh Rai Son of Baleshwar Rai Resident of Village- Situahi, P.S.- Narayanpur, District- Bhojpur.
17. Ram Ishwar Sah Son of Mallu Sah Resident of Village- Situahi, P.S.- Narayanpur, District- Bhojpur.



18. Gorakh Choudhary Son of Late Lal Mohar Choudhary Resident of Village-
Situahi, P.S.- Narayanpur, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachchida Nand Singh, Advocate
For the Opposite Party/s : Mr.Md. Khurshid Alam, AAG-12

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

3 18-04-2022 Heard the parties.

The present petition is being filed on behalf of
petitioner for Modification of order dated 19.12.2019 passed by
a Division Bench of this Court in M.J.C. No. 2437/2018.

It is submitted that by order dated 19.12.2019 passed
in CWJC No.12962 of 2017 liberty was granted to petitioner for
reviving MJC No.2437 / 2018 or to file a fresh petition if the
affidavit on physical verification is found to be false but in said
order there is nothing to indicate as to for appointment of
surveyor knowing pleader for physical verification on spot,
petitioner shall file petition before which authority.

The contempt petition was disposed of after filing of
the show cause by the State Government authorities that alleged
encroachment has been removed, however, same was disputed
by the petitioner stating that false affidavit was filed on behalf
of State authorities. However, the contempt petition was



disposed of with following observation:-

“From bare reading of the show-cause, evidently it is clear that the encroachment in question now stands removed. However, such fact is seriously disputed by Shri Choubey, learned senior Advocate by further adding that the authorities have filed false affidavit.

Well, at this stage, when in the rejoinder such fact is not controverted, we are not inclined to accept the submission made by learned counsel for the petitioner.

However, while disposing of the present petition, we grant liberty to the petitioner to revive the present petition, or file a fresh petition, if the affidavit, on physical verification, is found to be false.

With the liberty aforesaid, the petition stands disposed of.”

This modification petition is disposed of with liberty to petitioner to approach the Circle Officer, Agiaon, Bhojpur and file a fresh petition giving details of any encroachment / re-encroachment made over any public land by private individuals and upon receipt of such petition, the Circle Officer shall get the public land measured and if any encroachment / re-encroachment is found made over any public land, same should be removed forthwith after initiation of proceeding under Bihar



Public Land Encroachment Act.

This disposes of the modification petition.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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