

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7170 of 2021

Vinod Kumar Son of Late Birendra Manjhi, Resident of Village - Shrinagar
Koildewa, P.S.- Fulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The District Magistrate, Gopalganj, District - Gopalganj.
3. Sub Divisional Officer, Hathuwa, District - Gopalganj.
4. Deputy Collector Land Reforms, Hathuwa, District - Gopalganj.
5. Anchal Padadhikari- Anchal Fulwariya, District - Gopalganj.
6. Sanjay Manjhi, Son of Late Dinanath Manjhi, Resident of Village -
Koildewa Shrinagar Dhusa, P.S. Fulwariya, District - Gopalganj.
7. Ajay Manjhi, Son of Late Dinanath Manjhi, Resident of Village - Koildewa
Shrinagar Dhusa, P.S. Fulwariya, District - Gopalganj.
8. Surendra Manjhi, Son of Late Dina Nath Manjhi, Resident of Village -
Koildewa Shrinagar Dhusa, P.S. Fulwariya, District - Gopalganj.
9. Ramanand Manjhi, Son of Late Deepnarayan Manjhi, Resident of Village -
Koildewa Shrinagar Dhusa, P.S. Fulwariya, District - Gopalganj.
10. Jai Prakash Manjhi, Son of Late Shiwnath Manjhi, Resident of Village -
Koildewa Shrinagar Dhusa, P.S. Fulwariya, District - Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjya Kumar Chaubey
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-09-2022 The present writ petition has been seeking
the following reliefs:-

“1. That this is an application for
issuance of an appropriate writ / order /
direction, commanding the respondents
authority to initiate encroachment
proceeding under Bihar Public Land
Encroachment Act to remove the



encroachment under provision of the Bihar Public Land Encroachment Act from the land bearing the Thana no. 930, Khata no. 588, under plot no. 2077 of Mauza Koiladeva Shrinagar Anchal Fulwariya, District-Gopalganj by the private respondent no. 6, 7, 8, 9, 10 over the following grounds:-

(i) For that the private respondents who are the co-villager of the petitioner and they have encroached the land in question bearing Thana no. 930, Khata no. 588, under Plot no. 2077 of Mauza Koiladewa, Srinagar Dhusa by constructing pucca construction illegally and same is recorded as Gairmazarua Aam rasta in R.S.Khatian and is fallen under the public land under the provisions of the Bihar Public Land Encroachment Act, 1956.

(ii) For that the land in question is situated in Mauza Koiladewa Srinagar in all corner of that Mauza and same is used by the villagers and the petitioner and encroachment has been done by the private respondents. Due to this, proper moving of villagers including the petitioner have been fully and totally disturbed and till date respondents



authority have failed to take any proper steps to remove the encroachment in question from the land in question inspite of the applications filed by the villagers and petitioner for removing the encroachment in question and they have failed to discharge their legal duty under the law due to their gross negligence and action.

(iii) For that the land in question in Gairmazarua Aam Rasta and in public land under the law and the private respondents have no any right under any law to make encroachment and the petitioner is facing great hardship and difficulties due to encroachment in question made by the private respondents over the land in question.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Anchal Fulwariya, District-Gopalganj for redressal of his aforesaid grievance.

Liberty so sought is granted.

It is needless to state that in case the petitioner approaches the Circle Officer, Anchal



Fulwariya, District-Gopalganj by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today, the same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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