

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10996 of 1999

1. Kapildeo Ram, Son of Ram Sunder Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
2. Gagan Ram, Son of Raghunandan Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
3. Dashrath Ram, Son of Ramlal Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
4. Mosmat Sumaria Devi, W/o Ram Chalitar Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
5. Most. Sumintra Devi, W/o Ram Chandra Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
6. Satyendra Ram, Son of Ram Ekbal Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
7. Ram Ayodhya Ram, Son of Sheo Narayan Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
8. Parmod Paswan, Son of Ram Ashish Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
9. Bhuta Paswan, Son of Bhaju Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
10. Udai Paswan, Son of Nathuni Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
11. Phulegan Paswan, Son of Bhaglu Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
12. Puran Paswan, Son of Subhas Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
13. Most. Sumintra Devi, W/o late Rajgir Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
14. Jageshwar Paswan, Son of Bhajan Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
15. Dahaur Paswan, Son of Jaldhari Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
16. Sheo Chandra Paswan, Son of Soman Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
17. Laxmi Paswan, Son of Sita Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
18. Kalewar Paswan, Son of Bhuna Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
19. Bikau Paswan, Son of Musafir Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
20. Harihar Paswan @Hari Paswan, Son of Anchit Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.



21. Sheonandan Paswan@ Shivnandan Paswan, Son of Bhimal Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
22. Nageshwar Paswan, Son of Hari Kishore Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
23. Sukeshwar Paswan, Son of Anchit Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
24. Ten Paswan, Son of Sunar Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
25. Bishundeo Paswan, Son of Ram Sundar Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
26. Mohan Paswan, Son of Gena Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
27. Inardeo Ram Son of Lakhan Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
28. Achchelal Ram, Son of Sheo Narayan Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
29. Gonaaur Ram., Son of Bikshu Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
30. Bishnu Deo Ram, Son of Sunar Ram, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
31. Bundela Paswan, Son of Bimal Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
32. Raghubir Paswan, Son of Phulkan Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
33. Mangal Paswan, Son of Pinkali Paswan, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
34. Nand Lal Thakur, Son of Amiri Thakur, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
35. Bhola Singh@ Rameshwar Singh, Son of late laldeo Singh, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
36. Shub Narayan Singh, Son of Ram Prasad Singh, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
37. Birendra Singh, Son of Ram Bahadur Singh, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.
38. Surnedra Singh, Son of Ram Bahadur Singh, Resident of Village- Barahi Jagdish, P.S. Purnadhiya, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Commissioner-Cum Secretary, Water Resources Department, Bihar, Patna.
3. The Director, Rehabilitation, Bihar, Patna.



4. The Collector, Sheohar.
5. The Rehabilitation Officer, Bagmati Pari Yojana Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Tara Nath Jha, Advocate
For the Respondent/s : Mr Sarvesh Kumar Singh, AAG 13
Mr. Tej Pratap Singh, AC to AAG 13

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 05-04-2022

Heard learned counsel for the parties.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“That this is an application for issuance of a writ in the nature of certiorari for quashing the notices issued vide no. 417, 418, 419, 421, 423, 424, 428, 429, 430, 431, 434, 435, 436, 437, 439, 440, 442, 447, 449, 456, 460, 416, 163, 420, 425, 461, 438, 451, 446, 452, 468, 469 and 470 dated 9.12.98 under the signature of Rehabilitation Officer, Bagmati Pariyojana, Sitamarhi under which the petitioners have been directed to remove their houses standing on the lands in question otherwise legal action will be taken and further for issuance of an appropriate writ, order or direction directing the respondents not to disturb the petitioners from their houses and further be pleased to direct the respondents to allot them more lands including the lands on which their houses are standing.”

3. On 02.12.2021 the following order was passed:

“Mr. Sajjan Rajshekhar, Collector, Sheohar is present in Court. It is submitted by him that fresh



survey would be undertaken and report will be submitted.

During the survey petitioners or their representatives or their counsels will be present. Date of survey would be intimated to the petitioners by the Collector in advance so as to enable the petitioners or their representatives or their counsels to be presented during the survey to be undertaken by the Office of the Collector, Sheohar.

Re-list this matter on 11.01.2022.

On the next date of hearing, the Collector, Sheohar is hereby directed to be present in the Court to furnish survey report. If it is in Hindi, it should be translated in English and place it on record after serving a copy of the other side.”

4. Pursuant to the aforesaid order, concerned authority has arranged for surveying the subject land during the period from 15.12.2021 to 23.12.2021 in the presence of the petitioners and their representatives.

5. Learned counsel for the respondents/State pointed out from the records relating to presence of the petitioners/their representatives who have initiated their signatures. In the light of para 10 of the third supplementary counter affidavit filed on behalf of the respondent Nos. 4 and 5 reads as under:

“That upon completion of survey, the Committee has reported that 101 persons have encroached over 4.90 acres lands.”



6. In the light of the aforesaid development the competent authority – official respondent of the State is hereby directed to take appropriate action in respect of encroached land to the extent of 4.90 acres by 101 persons after issuing notice in respect of evicting them from the encroached land and proceed in accordance with law.

7. The affected persons are at liberty to approach appropriate forum if they are disputed in respect of decision of the authority that concerned parties have encroached the subject land to the extent of 4.90 acres if they so desire.

8. With the above observation, petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	08.04.2022
Transmission Date	

