

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7283 of 2022

1. Ranjay Kumar Son of Brijkishor Sharma Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
2. Ajay Sharma Son of Ramdani Sharma Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
3. Shailendra Kumar Sharma Son of Late Suresh Chandra Sharma Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
4. Balmiki Sharma Son of Tittrthraj Sharma Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
5. Raj Kumar Sharma Son of Late Ramesh Chandra Sharma Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms.
2. The District Magistrate, Jehanabad.
3. The Additional District Magistrate, Jehanabad.
4. The Circle Officer, Kako, Jehanabad.
5. The Block Development Officer, Kako, Jehanabad.
6. The Panchayat Secretary, Sulemanpur Panchayat, Block- Kao, District- Jehanabad.
7. Shrawan Das Son of Late Kali Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
8. Dwarik Das Son of Late Dularchand Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
9. Kesho Das Son of Ramdeo Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
10. Arvind Das Fathers name not known to the petitioners Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
11. Bigan Das Son of Late Vriksh Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
12. Baban Das Son of Mohi Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
13. Kapil Das Son of Mohi Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
14. Jitendra Das Son of Late Rohi Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
15. Siddheshwar Das Son of Late Rohi Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
16. Kanti Devi Daughter of Chunnu Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
17. Rakesh Das Son of Chunnu Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.



18. Dinesh Das Son of Vriksh Das Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.
19. Santosh Das Fathers name not known to the petitioner Resident of Village- Hati, Post Office- Hati, Police Station- Kako and District- Jehanabad.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Avinash Chandra, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Standing Counsel-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2022 The present writ petition has been filed seeking the following reliefs:-

“(i) For making the land situated at Mauza-Hati, Thana No. 449, Khata No. 92, Khesra No. 979, Area 12 decimal and in Khata No. 92, Khesra No.968, Area 43 decimal belongs to Chawar and mentioned as “Garmazarua Aam” in cadestral survey khatian, free from encroachment from the respondents specially from the private respondents as the encroached property is coming in between the agricultural land of petitioners and road, as well as they are restraining the petitioners from utilizing it, as the encroached property contains the private land of petitioners also and it also consist of passage of Anganbadi School, water tank, PAX building and other government offices etc.

(ii) For directing the respondents for delivery of encroachment free land so that the petitioners may be at liberty to use the same.

(iii) For directing the respondent government officials to provide the encroachment fee government



offices as it is located between the encroached land by private respondents, so that the petitioners including the co-villagers may utilize the public offices hassle free i.e. without any hindrance.”

At the outset, the learned counsel for the respondent-State has pointed out that encroachment proceedings bearing Encroachment Case No. 3 of 2018-19 and Encroachment Case No. 06 of 2018-19 have been initiated by the Circle Officer, Kako, District-Jehanabad i.e. the respondent no. 4 and the same shall be taken to its logical conclusion within a stipulated time frame.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and proper to direct the respondent no. 4 to dispose off the aforesaid encroachment cases by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of 12 weeks of receipt/production of a copy of this order.

(Mohit Kumar Shah, J)

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