

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13013 of 2021

Md. Shafique Alam

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha, (SC-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 15-09-2022 The present writ petition has been filed seeking the following reliefs :-

“A) To direct the respondent officials to vacate the land appertaining to Plot Nos. 3333, 3334, 3335 under Khata No. 310 (Area around 04.250 decimals) which is raiyati homestead land of the petitioner by demolishing the house built over under the scheme of Indira Awas Yojna situated within Mauza- Powakhali, under Revenue Thana No. 222, Anchal- Thakurganj, District – Kishanganj where over the Respondents illegally built up houses under the scheme of Indira Awas Yojna and have deprived the petitioner from his raiyati homestead land against the constitutional mandate as enshrined under Article 300A of the Constitution of India.

B) To direct the Respondents to demolish the illegal construction of houses over Plot No. 657 (Public road) situated within Mauza- Powakhali,



under Revenue Thana No. 222, Anchal-Thakurganj, District- Kishanganj under the scheme of Indira Awas Yojna and thereby blocked the petitioner's access to the public road.

C) To direct the Respondents to put the petitioner in possession of land in question within time fixed by the Hon'ble Court.

D) To direct the Respondent to pay adequate compensation/ damages for having illegally deprived the petitioner to use the land held by him."

The District Magistrate, Kishanganj, is present in the Court and has filed a counter affidavit, wherein it has been stated that though, it is true that the land in question belonging to the petitioner was earlier declared to be surplus, however, subsequently, the notification declaring the land of the petitioner to be surplus was quashed by a Co-ordinate Bench of this Court, hence, the petitioner has become entitled to restoration of possession of the said land in question. Nonetheless, it is submitted by the District Magistrate, Kishanganj, that since the land in question was declared surplus, certain encroachers got settled over the said land and since they are in possession of the same since several years, it would take some time to acquire alternate land and re-settle the said encroachers, hence six



months time be granted to restore the possession of the petitioner over the land in question. It is further submitted by the District Magistrate, Kishanganj, that within a period of six months from today, the encroachers shall be removed from the said land of the petitioner and re-settled elsewhere, hence with the said undertaking, the present writ petition may be disposed off. It is directed accordingly.

Accordingly, the present writ petition stands disposed off with a direction to the District Magistrate, Kishanganj to restore the possession of the petitioner over the land in question within a period of 6 months from today.

(Mohit Kumar Shah, J)

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