

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10022 of 2020

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Devnarayan Pandit Son of gosai Pandit resident of village- Narhaiya, Gram Panchayat - Belva, P.O.- Pipra Khurd, P.s. and Block and District- Supaul, State- Bihar-852131

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna
2. The District Magistrate, Supaul
3. The Chief Engineer Flood Control and Water Release, Water Resources Department, Birpur, Supaul
4. The Circle Officer, Supaul
5. The Rehabilitation Officer, Koshi Project Supaul
6. Ramsagar Paswan son of Lakshmi Paswan resident of village- Parsa Punarwas, Gram Panchayat and P.O.- Pipra Khurd, Ps. and Block and District- Supaul, State-Bihar-852131
7. Ramchandra paswan son of Lakshmi Paswan resident of village- Parsa Punarwas, Gram Panchayat and P.O.- Pipra Khurd, Ps. and Block and District- Supaul, State-Bihar-852131

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kuldeep Kumar
For the Respondent/s	:	Mr. Sanjay Kumar, AC to AAG-4
For the Private Respondent	:	Mr. Nafisuzzoha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-11-2022 The present writ petition has been filed seeking the following reliefs:-

“1(I). For issuance of a direction, order or writ, including writ in the nature of mandamus for direction to the respondent authorities especially the Rehabilitation Officer, Kosi Project Supaul & the Circle Officer, Supaul to remove the encroachment from the



encroached site assurance of later which vide memo no. 1243, dated 24/7/2015 (Annexure-1) of the Director, Land Acquisition and Rehabilitation, Water Resources Dept., Govt. of Bihar, Patna where under the Director of the said Department has directed the Rehabilitation Officer, Koshi Project, Supaul to remove the encroachment from the land of the Rehabilitation Department, which was allotted from the name of father of petitioner;

(II). For issuance of a direction, order or writ including writ in the nature of mandamus for commanding the concerned respondent authorities under the rehabilitation department specially the respondent nos. 4 & 5 to provide the petitioner with the allotted layout / plot to him under the said project;

(III). Issuance of a writ in the nature of mandamus directing the respondent authorities to remove the private respondent numbers 6 & 7 from the land of Rehabilitation Dept., Koshi Project, Supaul which has been allotted in favour of the petitioner's



father & ancestor which layout nos. 50 area 7 decimals under the rehabilitation scheme by the rehabilitation department, Koshi Project, Supaul and settle the petitioner over the encroached layout there at without further delay by taking effective steps against the unauthorized occupants (private respondent nos. 6 & 7)."

A counter affidavit has been filed on behalf of the Respondents No. 1, 3 and 5, wherein it has been stated that a report was called for by the Rehabilitation Officer, Kosi Project, Supaul from the concerned Amin and Suveyor, whereafter it has been found that encroachment has been made over the land in question, hence, FIR has been lodged against the encroachers and the Circle Officer, Supaul has been requested vide letter dated 755 dated 17.12.2021 to remove the encroachment situated over plot bearing layout plot no. 50 at Rehabilitation Site Parsa (Narhaiya), District-Supaul.

Having regard to the stand taken by the



Respondents, I deem it fit and proper to dispose of the present writ petition with a direction to the Circle Officer, Supaul to take necessary action, in accordance with law, after giving an opportunity of hearing to the affected parties, forthwith.

(Mohit Kumar Shah, J)

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