

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10568 of 2020

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Ghurahu Singh @ Ram Prasad Singh Son of Late Shankar Dayal Singh
Resident of Village- Umapur, P.S.- Bhagwanpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Home Department, Bihar at Patna.
2. The District Magistrate, Kaimur at Bhabua.
3. The Circle Officer, Bhagwanpur, District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-12-2022 The present writ petition has been filed for quashing the proceedings, pertaining to Encroachment Case No. 55 of 2019-20, initiated by the Circle Officer, Bhagwanpur, District-Kaimur at Bhabua i.e. the Respondent No. 3 herein on the ground that the vendor of the petitioner, namely, Ramsurati Kuwar, had filed a Consolidation Case No. 4 of 1981-82, before the learned Court of Consolidation Officer, Bhagwanpur, whereupon the learned Consolidation Officer, Bhagwanpur, had passed an order dated 19.12.1992, pertaining to



the land in question and had held her to be possessing valid right, title and interest, however, the said order dated 19.12.1992 has remained un-challenged till date. It is further submitted that despite existence of the aforesaid order dated 19.12.1992, the Respondent No. 3 has initiated the aforesaid encroachment proceedings, illegally.

The District Magistrate, Kaimur at Bhabua, is present in the Court and has submitted that he had constituted a Two Member Enquiry Committee to enquire into the matter, whereupon the said Enquiry Committee has submitted a report dated 15.11.2022 and it has been found that the land in question is recorded as Sarvasadharan Land and its nature is "Bandh", however, the consolidation proceedings are still in process and till date, the aforesaid order dated 19.12.1992 has not been confirmed under Section 13(1) of The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956. It has also been submitted that the aforesaid land in question has also been denotified under Section 26(A) of the



Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, nonetheless, the Respondent-State Authorities are contemplating to take steps to challenge the aforesaid order dated 19.12.1992, and till then, it is submitted that the aforesaid encroachment case bearing Encroachment Case No. 55 of 2019-20 shall be kept in abeyance.

Accordingly, the present writ petition stands disposed off, taking note of the submissions made by the District Magistrate, Kaimur at Bhabua, to the effect that till either the aforesaid order dated 19.12.1992, passed by the Consolidation Officer, Bhagwanpur, is annulled or till the proceedings under Section 13(1) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 are taken to its logical conclusion, no coercive action shall be taken against the petitioner and the proceedings of the aforesaid Encroachment Case No. 55 of 2019-20 shall remain in abeyance.

The writ petition stands disposed off on the



aforesaid terms.

(Mohit Kumar Shah, J)

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