

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24293 of 2019

1. Phul Jha, Son of Late Yogendra Jha
2. Parmanand Jha, Son of Late Ram Lakhan Jha, Resident of Village- Kasraur (North), P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Circle Officer, Gauraboram, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sharma, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-08-2022

Heard learned counsel for the parties.

Petitioners have prayed for following reliefs:-

A. For commanding the respondents to remove the encroachment over plot No.2011, 1790, 1791, 1827, 1959, 1856, 1854, 1957, 1871, 1801, 1800, 1753, 1751, 1725, 1726, 1729, 1730, 1743, 1744, 1712, 1683, 1677, 1670, 1616, 1626, 1638, 1650, 1584, 1405, 1403, 1469, 1472, 1905, 1888, 1933, 1383, 1459, 1416, 1418 situated in village Kasraur (North) P.S & Block – Ghanshyampur, Sub Division- Biraul, District- Darbhanga which Govt. land by father and uncle of Mukhiya of Gram panchayat Kasraur Basauli and other villagers.

B. Also for commanding the respondents to remove the encroachment made over main drainage of the village – Kasraur (North) and construction Boring and other constructions under Jal Nal Yojna.

C. Also for removing the construction made just by side of the old building of primary school in construction under Jal Nal Yojna in order to misutilize and misappropriated the public money over the land which has been donated by the people with condition for + 2 High School.

D. Also for direction to the respondents to inquire into the matter for lodging FIR for making construction under Jal Nal Yojna over the building of the school in connivance of the Mukhiya and local administration BDO, Gauraboram and CO Gaurboram and contractors and lodge FIR for committing different criminal offences in misutilizing the public money under construction of Jal Nal Yojna over the school building and private land building.

E. Also commanding the respondents to take appropriate action for recovery of the public money which has been misutilizing the public money in connivance of contractors, Mukhiya in Kasraur Basauli of Government officials.

F. Also directing the respondents to ensure draining out the water of the villagers Kasraur (North) from existing drainage as it was after removing the encroachment made over public land in order to protect the health of the villagers and Air Pollution and water pollution.

G. Also directing the respondents to ensure the area of the school be not encroached and encroachment made over the school building and area of the school be removed in the interest of the students and public.

H. Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law.”

On 06.12.2019, following order was passed:-

“ Learned counsel for the petitioner is permitted to remove the defect pointed out by the Stamp

Reporter in course of the day.
After removal of defect, list this matter on
12.12.2019 under the appropriate heading.”

Defects not removed. Even otherwise, we find the
petitioners can easily raise the issue before an appropriate forum
under the Bihar Public Land Encroachment Act, 1956, as are
otherwise available in accordance with law.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2022
Transmission Date	NA