

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1818 of 2020

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Arun Kumar Son of Late Jageshwar Sah Resident of Raj Bhog Gali, Station Road, Dehri-on-Sone, Police Station- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department of the State of Bihar.
2. The Revenue and Land Reforms Department, Bihar, through the Principal Secretary of the State of Bihar.
3. The District Magistrate, Rohtas.
4. The Superintendent of Police, District- Rohtas.
5. Sri Lal Jyoti Nath Sahdeo, The S.D.O., Dehri, District- Rohtas.
6. Sri Gulam Sahid, The Circle Officer, Block- Dehri, District- Rohtas.
7. The Officer-in-charge of Indrapuri P.S., District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 23-08-2022 Heard the parties.

It is an admitted position that the order of the Director, Consolidation is in favour of the petitioner and if the State wants to take any action against the petitioner, it is for the State to file an appropriate case in an appropriate forum before taking possession from the petitioner. The possession of land/property of a citizen can be taken by the State only through the process of the Court.

This Court has to remind the State with regard to the law laid down by the Supreme Court in this regard starting



from *M/S. Motipur Zamindary Co. (P) Ltd Vs. The State of Bihar* reported in *1962 AIR 660* and the judgment of this Court in the case of *Gait Public Library Vs. State of Bihar 1996 (1) PLJR 585*.

Considering the above, this application is disposed of with a direction to the State that they will not unnecessarily interfere in the peaceful possession of a citizen without resorting to a legal proceeding in any appropriate forum.

(Sandeep Kumar, J)

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