

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4397 of 2021

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1. Ranjeet Kumar Son of Shaturdhan Saw Resident of Belaganj, P.O.- Belaganj, P.S.- Belaganj, District- Gaya.
 2. Abhishek Kumar Son of Sudhir Kumar Agrawal Resident of Belaganj, P.O.- Belaganj, P.S.- Belaganj, District- Gaya.
 3. Rajesh Kumar Son of Shatrudhan Prasad Resident of Belaganj, P.O.- Belaganj, P.S.- Belaganj, District- Gaya.
 4. Raushan Kumar Son of Arun Prasad Resident of Belaganj, P.O.- Belaganj, P.S.- Belaganj, District- Gaya.
 5. Gaurav Kumar Son of Vinay Kumar Agrawal Resident of Belaganj, P.O.- Belaganj, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya.
2. The District Magistrate, Gaya.
3. The Sub- Divisional Officer, Sadar, Gaya.
4. The Block Development Officer, Belaganj, Gaya.
5. The Circle Officer, Belaganj, Gaya.
6. The Officer In-charge, Belaganj Police Station Belaganj, Gaya.
7. The Chairman, District Board, Gaya.
8. The Deputy Development Commissioner-cum- Chief Executive Officer, District Board, Gaya.
9. The Additional Chief Executive Officer, District Board, Gaya.
10. The District Engineer, District Board, Gaya.
11. Shri Shambhu Prasad Son of Late Ram Narayan Ram Resident of Belaganj, P.S.- Belaganj, District- Gaya.
12. Ram Pravesh Mahto Son of Late Vasudeo Mahto Resident of Belaganj, P.S.- Belaganj, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar
For the Respondent/s	:	Mr.Sajid Salim Khan (Sc25)
		Mr. Arif Daula Siddiqui, A.C. to S.C.-25
For the Zila Parishad	:	Mr. Dhananjay Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 07-12-2023

Pursuant to the order dated 30.11.2023, the Deputy



Development Commissioner-cum-Chief Executive Officer,
District Board, Gaya is present.

2. Heard the parties.

3. The present application has been filed for directing the authorities to take appropriate action regarding removal of encroachment over the land bearing Khata No 390, Khesra No 746 having its area 004 decimal situated at Mauza- Belaganj as cattle pound (Kanhauj) which has been settled in the favour of petitioners for construction of shops by the District Board, Gaya but the same has been encroached by the private respondents and others and after removal of the said encroachment respondents further be directed to cooperate the petitioners in construction of shops and smooth functioning of shops.

4. The dispute between the petitioners and the District Board, Gaya, is with regard to the title of the land in question.

5. The petitioners' claim the land to be the raiyati land whereas the District Board claims the land to be its own land. The District Board has already made construction on the land in question.

6. This Court in writ jurisdiction cannot decide the disputed question of right, title and interest of either of the parties.



7. In these circumstances, this application is disposed of with liberty to the petitioners to approach the District Board, Gaya, for refund of the amount deposited by the petitioners and the District Board will refund the amount with interest at the rate of 6% per annum to the petitioners.

8. Since the case has been disposed of, the personal appearance of the D.D.C., Gaya is dispensed with.

(Sandeep Kumar, J)

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