

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13095 of 2017

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Rajendra Thakur S/o late Raghunandan Thakur Resident of Village- Kanakpur
Dihtola, P.S. - Sakri, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department,
Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Circle Officer, Sakari, Madhubani.
4. The District Programme Co-Ordinator, MNREGA, Madhubani.
5. The Programme Officer, Block- Pandaul, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vinay Kumar Mishra, Adv.
For the State	:	Mr.Kameshwar Prasad Gupta , GP-10 Ms.Deepanjali Gupta, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 25-07-2023

1. At the outset, the learned counsel for the petitioner seeks to make some correction in the cause title. Let the same be done during the course of the day.

2. The present writ petition has been filed seeking the following relief:-

“1.(i) For a direction to the authorities concerned not to do earth filling work over raiyati land of the petitioner situated in village Kanakpur Dihtol, Old Khata No.-172, Khesra No. 402 (old), 705 706 District-Madhubani measuring an area 6 katha and 3 dhurs.”



3. At the outset, the learned counsel for the respondent-State has submitted, by referring to the counter affidavit filed in the present case on behalf of the respondents that the land in question pertaining to C.S. Plot No.402, Khata No.172, situated at Village-Kanakpur, District-Madhubani, is recorded as 'Gairmazarua Khas' and 'Gairmazarua Aam Bhinda Pokhar' in the cadastral survey records of right, hence the petitioner is an encroacher.

4. Per contra, the learned counsel for the petitioner has submitted that the petitioner had filed a title suit bearing Title Suit No.45 of 1999, before the learned Court of Munsif-Ist, Madhubani, with regard to declaration of his right title and interest over the suit property and the learned Trial Court by a judgment dated 06.02.2002, has passed a decree in favor of the petitioner, declaring the right title and interest of the petitioner in the suit property. Thus, it is submitted that the respondents have no right to displace the petitioner from the land in question.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to approach the District Magistrate, Madhubani and place the aforesaid facts before him, by filing appropriate petition, within



a period of four weeks from today, which shall be considered by the District Magistrate, Madhubani and a reasoned and a speaking order shall be passed thereon, in accordance with law, forthwith and till then the petitioner shall not be disturbed of his possession over the land in question.

6. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2023
Transmission Date	NA

