

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5659 of 2019

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Pintu Mishra, S/o- Ganesh Mishra, resident of Village Davihat Dih (Tola),
Sohrai, P.O.- Pandaul, Anchal- Rahika, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Sugarcane Industries Department, Government of Bihar, Vikas Bhawan, New Secretariat, Bailey Road, Patna- 800015.
2. The Sugarcane Commissioner-Cum- Managing Director Bihar State Sugar Corporation Limited, Patna.
3. The General Manager, Bihar State Sugarcane Corporation Lohat Unit, Lohat Sugar Factory, P.O.- Lohat, P.S. Pandaul, District- Madhubani.
4. The District Magistrate District- Madhubani.
5. The Deputy Collector Land Reforms (DCLR) District- Madhubani.
6. The Circle Officer, Pandaul District- Madhubani.

.....Respondents (1st Set)

7. Sunil Kumr Jha, President Block unit of Congress(I), S/o Late Kameshwar Jha, Village- Belahi, Purwari Tola, Post- Lohat, Block- Pandaul, P.S.- Pandaul, District- Madhubani, Pin-847231.
8. Sri Laxman Chaudhary, Block President of C.P.I., S/o Late Surendra Chaudhary, Village- Bihnagar, Panchayat- Biraul, P.S.- Pandaul, P.O- Biraul, District- Madhubani, Pin-847236

... .. Respondent (2nd Set)

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 31-08-2023

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The instant Public Interest Litigation has been filed
by the petitioner, who describes himself as a social activist, for a
direction to the respondents for taking immediate steps to ensure



that the lands which belong to the erstwhile Darbhanga Sugar Co. Ltd. and/or Lohat Sugar Mills, ownership of which now vests in the Government of Bihar is not encroached upon/sold/misappropriated and for further directing the respondents to take steps for revoking/cancelling the sale deed as contained in Annexure-3.

3. From the counter affidavits filed on behalf of the respondents it transpires that the land in question, which is part of a big plot, was donated by Maharaja Rameshwar Shah Bahadur to the sugar mill. With the intention to grab the same, some anti-social elements in connivance with ex-employees of the mill have encroached upon the land of the sugar mill. Pursuant to encroachment of the land, the respondent authorities have been requested to take appropriate action for removal of the same and letters have been written including the letter dated 20.7.2023 by the Cane Commissioner-cum-Managing Director of Bihar State Sugar Corporation to the District Magistrate and the Superintendent of Police, both of District-Madhubani. It further transpires from the counter affidavit filed by the District Magistrate, Madhubani and sworn by the Circle Officer, Pandaul that pursuant to the order passed in *Jamabandi* Cancellation Case no. 52/2022-23, *Jamabandi* no.3800, in the



name of one Dilip Kumar has been cancelled by the Additional Collector, Madhubani. Further, directions have been issued for taking steps by filing appropriate case before the Circle Officer for removal of encroachment under the Bihar Public Land Encroachment Act, 1956.

4. Having heard learned counsel for the parties and having perused the material on record, especially the contents of the counter affidavit filed on behalf of the respondents, the Court finds that steps have been taken for removal of encroachment and restoration of the land of the sugar mills after making the same free from the encroachers.

5. Thus, in view of the facts and circumstances of the case, no further orders are required to be passed, so far as this Public Interest Litigation is concerned and the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	04.09.2023
Transmission Date	N/A

