

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5437 of 2019

1. Ramnarayan Ram @ Ram Narayan Manjhi Son of Bechan Ram @ Bechan Manjhi Resident of Village- Tulasiya, PO- Sakhe Khas, Circle- Uchkagaon, P.S.- Uchkagaon, District- Gopalganj
2. Shiv Mangal Sah Son of Late Jiut Sah Resident of Village- Tulasiya, PO- Sakhe Khas, Circle- Uchkagaon, P.S.- Uchkagaon, District- Gopalganj
3. Sukhram Sah Son of Late Bhimal Sah Resident of Village- Tulasiya, PO- Sakhe Khas, Circle- Uchkagaon, P.S.- Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Gopalganj
2. The Collector-cum-District Magistrate, Gopalganj
3. The Circle Officer, Uchkagaon, District- Gopalganj

...Respondent/s 1st Set

4. Mangni Ram Son of Late Dhodha Ram Resident of Village- Tulasiya, PO- Sakhe Khas, Circle- Uchkagaon, P.S.- Uchkagaon, District- Gopalganj
5. Nathu Ram Son of Late Dhodha Ram Resident of Village- Tulasiya, PO- Sakhe Khas, Circle- Uchkagaon, P.S.- Uchkagaon, District- Gopalganj
6. Nathuni Bhagat Son of Late Jaipal Bhagat Resident of Village- Tulasiya, PO- Sakhe Khas, Circle- Uchkagaon, P.S.- Uchkagaon, District- Gopalganj
7. Rajkuimari Devi Wife of Late Rajilal Bhagat Resident of Village- Tulasiya, PO- Sakhe Khas, Circle- Uchkagaon, P.S.- Uchkagaon, District- Gopalganj

...Respondent/s 2nd Set

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5, Advocate
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 17-08-2023 The present writ petition has been filed seeking the following relief(s):-

“1(a). To initiate and proceed with a proper Land Encroachment proceeding either on the Statutory Application pending before him or on the referral



made by the Collector Gopalganj

(b). And further to conclude the proceeding by removing the encroachments from the Village Road (as described in Para 3 of this writ application); on amongst others the following grounds--

(i) For that the land as described in Para 3 of this writ application is recorded as Gairmajarua Malik and Parati Kadim/Gairmajarua Land, of village Tulasiya.

(ii) For that the Respondent no 4 to 7 has encroached upon the village road, by erecting the bamboo fencing and due to which the village road has been obstructed, it is not possible for any of the vehicle to go further; to the houses of the persons including the Anganbari Centre No 43, situated ahead of the point of encroachment.

(iii) For that the Petitioners and the other village people are taking efforts since 2011; but due to the influence of the private Respondents, connivance of the Private Respondents and due to lethargy/ illegality of the Respondent no 3 (The Circle Officer); the encroachment has been not removed till date.

(iv) For due to the illegal and arbitrary inaction of the Respondent Authorities; the Petitioners as well as the Residence of village Tulasiya are sufferings from great illegality.

(v) For that due to the illegal and arbitrary inaction of the Respondent Authority the Fundamental rights of the Petitioners as enshrined



in the Constitution of India has been violated.”

The learned counsel for the petitioners submits that the only impediment in removal of the encroachment in question is pendency of jamabandi cancellation case bearing Jamabandi Cancellation Case No.01 of 2019-20. It is thus submitted that the authorities be directed to dispose off the jamabandi cancellation case, if not already disposed off and take consequential action, forthwith. It is directed accordingly.

The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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