

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4988 of 2023**

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Munna Kumar Son of Sri Brijmohan Pandey, Resident of Village - Karahi,  
Police Station - Baniyapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Commissioner-cum-Revisional Authority, Saran Division, Chapra.
3. The District Magistrate, Saran at Chapra.
4. The Additional Collector (Public Grievance Redressal) District- Saran-cum-the First Appellate Authority, Saran at Chapra.
5. The Sub-Divisional Public Grievance Redressal Officer, Baniyapur, Saran at Chapra.
6. The Sub-Divisional Officer, Sadar Chapra, District- Saran at Chapra.
7. The Circle Officer, Baniyapur, District- Saran at Chapra.
8. The Officer-in-Charge, Baniyapur Police Station, District - Saran at Chapra.
9. Sampat Rai, Son of Late Algu Rai, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
10. Ramawati Kunwar, Wife of Ramnath Chaudhary, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
11. Pinki Devi, wife of Sanjay Chaudhary, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
12. Gaura Devi, Wife of Shivbalak Ram, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
13. Suleman Miyan, Son of Alisher Miyan, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
14. Meena Devi, Wife of Shyam Bahadur Chaudhary, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
15. Pramila Devi, Wife of Shankar Chaudhary, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
16. Fulmato Devi, Wife of Shankar Chaudhary, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
17. Shanti Devi, Wife of Krishna Chaudhary, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
18. Sushila Devi, Wife of Lal Sah, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
19. Meena Devi, Wife of Asharfi Sah, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
20. Meena Devi, Wife of Sunil Sah, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
21. Mosmat Minta Devi, Wife of Late Arjun Sah, Resident of village - Karhi,



- Police Station - Baniyapur, District - Saran at Chapra.
22. Mosmat Punwa Devi, Wife of Late Amawas Rai, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
  23. Mosmat Dularo Kunwar, Wife of Late Jagarnath Sah, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
  24. Shambhu Pandit, Son of Late Dharmnath Pandit, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
  25. Visheshar Pandit, Son of Late Dharmnath Pandit Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
  26. Ashok Pandit, Son of Late Dharmnath Pandit, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
  27. Deenanath Prasad, Son of Rambriksh Prasad, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
  28. Badan Prasad, Son of Rambriksh Prasad, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.
  29. Shambhu Chaudhary, Son of Ashok Chaudhary, Resident of village - Karhi, Police Station - Baniyapur, District - Saran at Chapra.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate  
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      26-04-2023      The present petition has been filed seeking the following reliefs :-

*“(i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to take appropriate steps for removal of encroachment caused by private respondents on Gairmajarua Aam land in the village - Karhi, P.S. No. 48, Khata No. 324, Survey No. 2140, total area 1-16-6-0 Khesara No. 2141 area 2-7-17-0 Bhinda and Khata No. 411 Survey No. 2138 area 2-04-*



*13-0 pond and survey no. 2139, area 1-10-8-0 pond by illegal construction of their house even though the aforesaid lands have been registered as Gairmajarua Aam land in the Government records and in spite of direction by the Commissioner- cum- Revisional Authority, Saran Division, Chapra contained in case no. 517110120031800956/R dated 17.12.2018 (Munna Kumar vs. the Circle Officer, Baniyapur, Saran) and the order dated 13.01.2020 passed in Case No. 009957017121915384 by the Departmental Public Grievance Redressal Officer, Revenue and Land Reforms Department, Bihar, Patna, till date the encroachment caused by the private respondents on the aforesaid Gairmajarua Aam land has not been removed, which is causing great difficulties to the villagers, as the pond and Bhinda, which is meant for use of public has illegally been encroached by the private respondents.*

*(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent District Magistrate, Saran at Chapra or the Circle Officer, Baniyapur, Saran at Chapra to ensure removal of the encroachment caused by the private respondents on the aforesaid Gairmajarua Aam land, as inspite of orders*



*of the authorities, the same has still not been removed, causing difficulties to the villagers.*

*(iii) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authorities concerned to take appropriate legal action against the private respondents, who have illegally encroached the Gairmajarua Aam land by constructing their houses and also against the erring officials, who in connivance with the private respondents are not taking any positive steps for removal of encroachment in compliance of the order passed by the Commissioner- cum-Revisional Authority, Saran Division, Chapra in case no.517110120031800956/R dated 17.12.2018 (Munna Kumar vs. the Circle Officer, Baniyapur, Saran) and the order dated 13.01.2020, passed by the Departmental Public Grievance Redressal Officer, Revenue and Land Reforms Department, Bihar, Patna.”*

At the outset, the learned counsel for the petitioner has submitted that though an encroachment proceeding vide Encroachment case no. 04 of 2017-18 has been initiated against the encroachers, however, the same has not been taken to its logical conclusion, till date.



The learned counsel for the respondent- state submits that in case, the aforesaid encroachment proceeding has not been concluded, the same would definitely be concluded within a fixed time frame.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to dispose off the present writ petition with a direction to the Circle Officer, Baniyapur, Saran at Chapra to dispose off the aforesaid Encroachment case no. 04 of 2017-18, by passing the final order under ***Section 6(1) of the Bihar Public Land Encroachment Act, 1956***, in case the same has not already been passed, in accordance with law and after hearing the affected parties, within a period of six weeks of receipt/ production of a copy of this order, whereafter the consequential action would also be taken, forthwith.

**(Mohit Kumar Shah, J)**

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