

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17107 of 2015

1. Arvind Prasad Son of late Bhuwan Mahto
2. Bharat Bhushan Prasad Son of Sheonandan Prasad All R/o Village Pawai, Ps Anchal Parwalpur District Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate, Nalanda.
3. Additional Collector, Nalanda.
4. S.D.O. Hilsa, Nalanda.
5. Superintendent of Police, Nalanda.
6. Officer in Charge Parwalpur Nalanda.
7. Anchal Adhikari, Parwalpur Nalanda.
8. Mukhia Gram Panchayat Raj, Chausanda P.s Parwalpur Dist Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman,Adv.
For the Respondent/s : Mr. Santosh Chaudhra Bhaskar, AC to GP-11

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 03-07-2023

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

“1. That this application is for issuance of a writ /order /direction to the respondents authorities to remove the encroachment made in Chak no. 631 area 10 dec.,652 area 15 dec.,656 area 43 dec.,703 area one acre., 705 area 30 dec, 739 area 9 dec. and 740 area 4 dec. of Village Pawai, P.S. Ekangar Sarai, P.S. no. 57, District Nalanda as due to filling up those plots entire irrigational facilities of more than one hundred



acres of land of the village has been stopped and eves water of the village are accumulated in the house of the villagers as there is no other source of drainage of the water from the village in question.”

2. At the outset, the learned counsel for the Respondent-State has submitted that all the erring officials, against whom, departmental proceedings had been initiated earlier, have now stood suspended and they shall definitely be punished in accordance with law, without any further delay, inasmuch as the department proceedings in question shall be taken to its logical conclusion. To the said effect, a supplementary counter affidavit has been filed on behalf of the Additional Chief Secretary, Bihar, Patna, wherein the orders of suspension of the said five erring officials have been annexed.

3. Now, coming to the case in hand, the learned counsel for the Respondent-State has at the very outset referred to the supplementary counter affidavit, filed in the present case under the pen and signature of the District Magistrate, Nalanda, wherein it has been stated that upon enquiry, it was found by the Circle Officer, Parwalpur, Nalanda that 27 persons had encroached the land in question by constructing temporary as well as permanent structures, out of which 9 temporary structures have already been removed on 31.3.2023, 12



encroachers, who had constructed pucca (permanent) structures, have also been removed on 15.4.2023 while 2 structures are Government hand pump and community hall, being used by the public, hence, the same have not been treated to be an encroachment, thus, only 4 encroachments are still remaining to be removed, which are pucca houses constructed under the Government scheme i.e. Indira Awas Yojna, with regard to which appropriate action is being taken for removal of the same.

4. The District Magistrate, Nalanda, has thus stated in the afore-said counter affidavit that out of the said 27 encroachments, 21 encroachments have already stood removed while 2 encroachments cannot be termed as encroachments, inasmuch as the same are hand pump and community hall, being used by the general public, as such only 4 encroachments are remaining to be removed, which shall be removed within a period of four weeks from today. It is directed accordingly.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	5.7.2023
Transmission Date	NA

