

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4979 of 2023

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Manilal Kumar Son of Tahal Yadav Resident of village- Balwa, Ward No. 06,
P.S.- Supaul, District- Supaul, State- Bihar- 852131

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Dept.
Govt. of Bihar, Patna.
2. The District Magistrate, Supaul
3. The Chief Engineer, Flood Control and Water Release, Water Resources
Department, Birpur, Supaul
4. The Circle Officer, Supaul
5. The Rehabilitation Officer, Koshi Project, Supaul
6. Shailendra Yadav Son of Nunulal Yadav Residing at - Layout No. 618,
Kharail Malhad Punarwas (Balva Punarwas) ward no. 15, P.S.- Supaul,
District- Supaul, State- Bihar- 852131.
7. Ravindra Yadav Son of Nunulal Yadav Residing at - Layout No. 618,
Kharail Malhad Punarwas (Balva Punarwas) ward no. 15, P.S.- Supaul,
District- Supaul, State- Bihar- 852131.
8. Vijay Yadav Son of Nunulal Yadav Residing at - Layout No. 618, Kharail
Malhad Punarwas (Balva Punarwas) ward no. 15, P.S.- Supaul, District-
Supaul, State- Bihar- 852131.
9. Anar Devi, Wife of Anil Yadav Residing at - Layout No. 618, Kharail
Malhad Punarwas (Balva Punarwas) ward no. 15, P.S.- Supaul, District-
Supaul, State- Bihar- 852131.
10. Hriday Ray Son of Asharphi Ray Residing at - Layout No. 618, Kharail
Malhad Punarwas (Balva Punarwas) ward no. 15, P.S.- Supaul, District-
Supaul, State- Bihar- 852131.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhiresh Kumar Dhiraj, Advocate Mr.Kuldeep Kumar, Advocate
For the State	:	Mr.Vinay Kirti Singh (Ga2) Mr.Akhileshwar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-10-2023 1. The present writ petition has been filed seeking the
following relief(s):-

“1(i) For Issuance of a direction, order or writ,



including writ in the nature of MANDAMUS, direction to the respondent authorities especially the Rehabilitation Officer, Kosi project Supaul and Circle Officer, Supaul to remove the encroachment from the encroached site, assurance of later which vide memo no. 1243 dated 24/07/2015 (ANNEXURE -2) of the Director, Land Acquisition & Rehabilitation, Water Resources Department govt. of Bihar, Patna. Where under the director of the Said department has directed the Rehabilitation officer, Koshi Project, Supaul to remove the encroachment by instituting an encroachment case under Encroachment encroached department. the Act land Bihar Public Land for emancipating the of the rehabilitation department.

(ii) For issuance of an appropriate writ/writs, direction/directions upon respondent authorities to remove encroachment from the land of Koshi project settled to the petitioner under the rehabilitation scheme without further delay by taking effective steps against the unauthorized occupants.

(iii) For issuance of a direction/directions or writ/writs including writ in the nature of mandamus commanding the concerned respondent authorities under the rehabilitation department specially the respondent nos. 4 & 5 to provide the petitioner with the layout no.618, area 10 decimals in Kharail Malhad Punarwas site allotted under the rehabilitation scheme from the name of his grandfather and settle him their at without further



delay by taking effective steps against the encroachers/ unauthorized occupants.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Supaul, District-Supaul, for redressal of his aforesaid grievance. Liberty so sought is granted.

3. It is needless to state that in case the petitioner approaches the Circle Officer, Supaul, District-Supaul, by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today, the same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.

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

(Mohit Kumar Shah, J)

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