

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5686 of 2023

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Prem Lal Mahato Son of Shree Lal Mahto, Resident of Village - Pachahi,
Police Station - Rudrapur, District - Madhubani (Bihar), Pincode - 847408.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Water Resources Department, Government of Bihar, through its Secretary, Sinchai Bhawan, Patna, Bihar.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The Special Land Acquisition Office, Koshi Project, Darbhanga.
5. The Western Koshi, Canal Division, through its Executive Engineer, Darbhanga.
6. The District Magistrate-cum-Collector, District - Madhubani.
7. The Western Koshi, Canal Circle, through its Circle Incharge, Jhanjharpur, District - Madhubani.
8. The Civil Sub-Divisional Magistrate, Jhanjharpur, District - Madhubani.
9. The Sub-Divisional Officer, Jhanjharpur, District- Madhubani.
10. Sri Subodh Kumar Sunahala, Executive Engineer, western Koshi Canal Division, Khutauna, District - Madhubani.
11. The Western Kosi Canal Division, through its Executive Engineer, Andharathari, District - Madhubani.
12. The Public Grievance Officer, Jhanjharpur Sub-Division, Jhanjharpur, District- Madhubani.
13. Sri Harendra Kumar, Block Cooperative Officer, Andharathari, District - Madhubani.
14. Sri Rajan Kumar, Block Supply Officer, Andharathari, District - Madhubani.
15. The Officer-in-Charge, Andharathari Police Station, District - Madhubani.
16. The Station House Officer (S.H.O.), Rudrapur Police Station, District - Madhubani.
17. The Circle Officer, Andharathari, District - Madhubani.
18. Sri Bhusay Saday, Son of Phoolchand Saday, resident of village - Jamela, Police Station - Rudrapur, District - Madhubani.
19. Miss Kuma Kumari, Daughter of Sri Bhusay Saday, Resident of village - Jamela, P.S. - Rudrapur, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc 11)



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of relief/reliefs, order/orders and direction/directions in the nature of mandamus for commanding the respondents to immediately remove and vacate the land of Bihar Government, which has been illegally occupied by the respondents due to which the way out of the petitioner's house and others, which are blocked by the respondent no.18, namely, Bhusay Saday.

(ii) For further the petitioner prays for compliance the Letter No.564 dated 17.10.2022 which has been passed by the Sub-Divisional Officer, Jhanjharpur.

(iii) For further the petitioner prays the respondent no.18 has made an illegal encroachment and constructed an illegal house on the eastern dam at Nahar Crossing, while petitioner also gave his own aforesaid raiyati land to the Bihar Government to build a canal, i.e., Nahar for public welfare.

(iv) For further the petitioner prays that the land of both sides of the canal in which Respondent No.18 creates problem during the farming period, due to which the petitioner has been suffering mental harassment and financial



loss, so it may be taken necessary action also against the Respondent No.18 and also to give some compensation to the petitioner.

(v) For that respondent no.17, i.e., Circle Officer only provide formal notice and used an ornamental language in the formal notice, but no action has been taken yet, so the Circle officer is liable to be punished.

(vi) For the petitioner further prays that the compliance of order of removal of encroachment dated 21.10.2022 in Letter No. 2060 dated 07.10.2022 requested by the Circle Officer, Andhradhathi to the Sub-Divisional officer, Jhanjharpur to depute the Magistrate and security force to free from encroachment and providing him one tractor and one JCB. It is also submitted that with regards to the Letter No.2060 dated 07.10.2022, the Sub-Divisional Officer, Jhanjharpur issued a letter bearing Letter No.564 dated 17.10.2022 and in the said letter 16 male and 4 female police have been deputed at the time of removal of the said encroachment, but not till date it has not been complied with by any one of the officials.

(vii) For the petitioner and others villagers have also given several application to the Circle Officer and other authority to look out the matter, but the authority has kept mum and only paper works have been done and no action has been taken till date. It is also



submitted that the petitioner is about 96 years, he is very old person and suffering from old age deceases, he was also a freedom fighter. He made entire efforts for removal of illegal encroachment due to the said encroachment he and others are suffering from several problems. His way to outside his house/land and the others is completely blocked.”

2. At the outset, the learned counsel for the petitioner has referred to an order dated 17.10.2022, issued by the Sub-Divisional Officer, Jhanjharpur, whereby and whereunder in pursuance to encroachment proceedings initiated vide Encroachment Case No.3 of 2022-23, police force, along with a Magistrate has been requisitioned, for removal of the encroachment in question, however, till date no action has been taken, thereafter.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Madhubani, to ensure enforcement of the aforesaid order dated 17.10.2022, in accordance with law, in case there is no other legal impediment or in case no stay order has been passed by any higher forum/Court of law, within a period of six weeks of receipt/production of a copy of this order.

4. The present writ petition stands disposed off on the



aforesaid terms.

(Mohit Kumar Shah, J)

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