

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5603 of 2023

Asharfi Rai Son of late Jhaksu Rai Resident of Village- Athania, P.S.- Kharik,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Bhagalpur.
3. The Deputy Collector cum L.R.D.C. Naugachia, District- Bhagalpur.
4. The Sub-Divisional Officer, Naugachia, District-Bhagalpur.
5. The Circle Officer, Kharik, District- Bhagalpur.
6. Director General of Police, Bihar, Patna.
7. Inspector General of Police, Bhagalpur, District- Bhagalpur.
8. Deputy Inspector General of Police, Bhagalpur, District- Bhagalpur.
9. The Superintendent of Police, District- Bhagalpur.
10. The Officer-In-Charge, Kharik Police Station, District- Bhagalpur.
11. Amar Rai Son of Late Bhagwan Rai Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
12. Fokali Rai @ Arun Rai Son of Late Bhagwan Rai Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
13. Devo Rai Son of Late Shital Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
14. Pado Rai Son of Late Darweshwari Rai Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
15. Chhahaku Rai Son of Late Darweshwari Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
16. Nisha Devi, Wife of late Ramdeo Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
17. Kapo Rai, Son of Nemo Rai @ Newalal Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
18. Vikash Rai, Son of Late Basudeo Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
19. Subuklal Rai, Son of Late Ganeshwar Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
20. Khusilal Rai, Son of Late Ganeshwar Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
21. Rajesh Rai, Son of Late Ganeshwar Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
22. Prashant Rai, Son of Late Ganeshwar Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
23. Kapo Thakur, Son of late Sukdeo Thakur, Resident of Village- Athaniyan,

P.S.- Kharik, District- Bhagalpur.

- 24. Biban Rai, Son of Late Basudeo Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 25. Shalo Rai, Son of Late Basudeo Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 26. Dholak Rai, Son of late Basudeo Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 27. Billo Rai Son of Late Basudeo Rai Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 28. Jyotish Rai, Son of Late Mahesh Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 29. Dhanik Rai Son of Late Harilal Rai Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 30. Ramnand Rai, Son of Late Thakur Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 31. Bale Rai Son of Late Saruplal Rai Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 32. Bhagyashali Rai Son of Late Saruplal Rai Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 33. Jitendra Rai, Son of late Basudeo Rai, Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 34. Rohit Rai Son of late Vasudeo Rai Resident of Village- Athaniyan, P.S.- Kharik, District- Bhagalpur.
- 35. Niranjana Rai, Son of Late Devendra Rai, Resident of Village- Maircha, P.S.- Bihpur, District- Bhagalpur.
- 36. Pappu Rai, Son of Late Sahdeo Rai, Resident of Village- Maircha, P.S.- Bihpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
removing the encroachment on the land of Village- Athaniya,

P.S.- Kharik, District- Bhagalpur appertaining to Mauja- Usmanpur, Old Khata No.-69, Old Khesra No.- 938, 940, 948, 949, 956, 963, 1043, Rakba- 14.40 Acre.

3. Counsel for the petitioner submits that the Title Suit No. 31 of 1991 has been decided in his favour and subsequently, the Title Appeal No. 34 of 2014 has also been decided in his favour and for implementation of the judgment and decree, he has filed the present writ petition in the name of removing the encroachment at the hands of the private respondents.

4. Counsel for the State has raised the preliminary objection and submits that once petitioner has decree of original court and appellate court in his favour then in that case, he has to avail remedy before the civil court for execution of the same.

5. In this view of the matter, this writ petition stands disposed off directing the petitioner to avail remedy upon filing the execution petition before the appropriate forum.

(Dr. Anshuman, J.)

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