

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8488 of 2015

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Suresh Kumar Yadav Son of Late Ganauri Yadav Resident of village -
Karbighiya, Police Station - Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate cum Collector, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Sub-Divisional Officer, Patna Sadar, Patna.
7. The D.C.L.R. The Deputy Collector, Land Reform Department, Patna Sadar, Patna.
8. The Circle Officer, Phulwarisharif, Patna.
9. The Officer in charge of Kankarbag Police Station, District - Patna.
10. Lakhan Paswan son of Late Chhattu Paswan
11. Indrajeet Paswan son of Basu Paswan
12. Bali Paswan son of Late Binda Paswan
13. Ram Babu Sahani son of Late Sokhi Sahani @ Sokhi Mahto
14. Santosh Sahani son of Ram Babu Sahani
15. Urmila Sahani widow of Sundar Sahani
16. Dhaneshwari Devi widow of Late Bindeshwari Paswan
17. Radha Devi widow of Late Shambhu Sahani All residents of village -
Dushadhi Pakri, Police Station - Kankarbag, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shekhar Kr. Singh, Advocate
For the Respondent/s	:	Mr. Sarvesh Kr. Singh, AAG 13
	:	Mr. Tej Pratap Singh, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-04-2023 The present petition has been filed seeking the
following reliefs :-

“(i) For Issuance of Writ/ Writs, Order/Orders,



Direction/Directions in the nature of Mandamus controlling the Respondents for removal of the Private Respondents No. 10 to 18 from the survey plot No. 270, Khata No. 78, Tauji No. 355 situated in Muhalla - Dhusadhi Pakri, Under Pargana Azimabad, Police Station -Phulwari Sharif and at present Police station Kankarbag. District Patna, whereby and where under the Private Respondent No. 10 to 18 have forcibly encroached the Gairmajarua Aam Land and the same is in illegal possession of the private respondent No. 10 to 18, who have associated a gange of Anti-Social elements and also use to collect Naxal Anti-Social element over the Plot No.- 270, Khata No. 78, Tauji No. 355 situated in Muhalla - Dhusadhi Pakri, Under Pargana Azimabad, Police Station - Phulwari Sharif and at present Police Station - Kankarbag, District - Patna and use to create mischief and nuisance and criminal acts with the person, who use to passed near that very plot No. 270 and they were created nuisance over the said land by a gange of anti-social elements.

(ii) For further direction upon the respondent to immediately remove and clear the Gairmajarua Aam Land over survey plot No. 270, Khata No. 78. Tauji No. 355 situated in Muhalla Dhusadhi Pakri, Under Pargana Azimabad, Police Station - Phulwari Sharif and at present Police Station - Kankarbag, District - Patna, in which a gang of anti-social elements forcibly created nuisance over the plot No. 270, in which the petitioner's



land and house which is situated near by the plot No. 270 but the private respondent No. 10 to 18 were created nuisance over the Aam Rasta Gairmajarua Land, in which the petitioner has filed an application before the Sub-Divisional Officer, Patna Sadar, Patna (Respondent No. 6) praying for removal over the Gairmajarua Aam Land but the concerned respondent having specially empowered in this behalf by the state government on receiving the report of the police officer, and other information on taking such evidence to immediately removal of any unlawful obstruction or nuisance should be removed from any public place or from the plot No, 270 but the private respondent No. 10 to 18 they were created: nuisance over the Aam Rasta Gairmajarua Land, in which the petitioner has filed an application before the Sub-Divisional Officer, Patna Sadar, Patna (Respondent No. 6) praying for removal over the Gairmajarua Aam Land but the concern respondent having specially empowered in this behalf by the state government on receiving the report of the police officer, and other information on taking such evidence to immediately removal of any unlawful obstruction or nuisance should be removed from any public place or from any way but the same has not been removed by the concerned respondent.

(iii) For that the petitioner has filed an application before the Deputy Collector, Land Reform, Patna Sadar, Patna praying for illegal



encroachment over the Gairmajarua Aam Public's Land in which the Deputy Collector, Land Reform, Patna Sadar, Patna be pleased to pass a final order dated 18/05/2012, in Land Dispute Resolution No. 99/2011-2012 holding that the Respondent No. 8 (the Circle Officer, Phulwari Sharif District Patna) is responsible to vacate the encroached lands of 5 dismal west and southern side in plot No. 240 and decided that the private respondents are encroachers within 30 days of demarcated by Circle Amin with the help of local police, accordingly the petitioner has filed an application on dated 27/08/2014 before the Respondent No. 8 praying for removal and clear the Gairmajarua Aam Land, which is situated in Muhalla Dushadhi Pakari, Under Pargana - Azimabad, Police Station - Phulwari Sharif, at present police station - Kankarbag, Patna.”

The District Magistrate, Patna has filed a counter affidavit, which is taken on record. It has been admitted in the said counter affidavit, filed in the Court today itself that the encroachment in question is still existing and for that purpose, an encroachment case bearing Encroachment case no. 04 of 2015-16 has been initiated, which is also pending and steps are being taken to conclude the proceeding of same and pass the final order under **Section 6(1) of the Bihar Public Land Encroachment Act, 1956**, after hearing the affected parties, whereafter the encroachment in question would be



removed.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to direct the Circle Officer, Phulwarisharif, Patna to conclude the proceedings of the aforesaid encroachment case by passing the final order under ***Section 6(1) of the Bihar Public Land Encroachment Act, 1956***, in accordance with law and after hearing the affected parties, within a period of six weeks from today, whereupon the encroachment, if found, shall be removed, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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