

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7819 of 2023**

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Madan Choudhary Son of Late Asharfi Choudhary Resident of Village and  
P.O.- Pokhram, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum- Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Additional Collector, Public Grievance Redressal Authority, Darbhanga.
5. The Senior Superintendent of Police, Darbhanga.
6. The Deputy Superintendent of Police, Darbhanga.
7. The Deputy Collector Land Reforms, Biraul, District- Darbhanga.
8. The Sub- Divisional Officer, Biraul, District- Darbhanga.
9. The Anchal Adhikari, Biraul, District- Darbhanga.
10. Mangani Ram Choudhary, Son of Late Yogendra Choudhary Resident of Village and P.O. Pokhram, P.S.- Biraul, District- Darbhanga.
11. Pankaj Choudhary, Son of Late Mahendra Choudhary Resident of Village and P.O. Pokhram, P.S.- Biraul, District- Darbhanga.

... .. Respondent/s

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**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Ajay Kr. Thakur, Advocate  |
|                      | : | Mrs. Vaishnavi Singh, Advocate |
|                      | : | Mr. Ritwik Thakur, Advocate    |
| For the Respondent/s | : | Mr.Sajid Salim Khan (SC 25)    |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 24-07-2023**

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

*“(i) For issuance of an appropriate writ, order or direction directing the respondents to remove the encroachment made by the private respondent 2<sup>nd</sup> set on government*



*land which is Rasta situated over Khesra no. 5485, 5481/11834 (Anabad Bihar Sarkar), Thana no. 287, Mauza Pokhram situated within Biraul Block as well as Khata no. 22(old), 3075 (new), Khata no. 50 (old), 108 (new), area 60 decimals, Thana no. 287 situated in Mauza Pokhram inspite of specific direction given by the authority under the Act.”*

2. At the outset, the learned counsel for the respondent State has referred to the counter affidavit filed in the present case and has submitted that two encroachment proceedings have been initiated by the Circle Officer, Biraul, District-Darbhanga, one bearing Encroachment case no. 17 of 2022-23, appertaining to Khesra no. 108 and the other bearing Encroachment case no. 06 of 2022-23, appertaining to Khesra no. 5485 and 5481/11834. It is submitted that as far as Khesra no. 5485 is concerned, it has been found that no encroachment has been made over the same, however, with respect to Khesra no. 5481/11834, the Circle Officer, Biraul has already passed the final order dated 20.02.2023. As far as the other encroachment case bearing Encroachment case no. 17 of 2022-23 is concerned, it has been found that Jamabandi is existing in the name of the Jamabandi holders, hence, recommendation has



been made to the Additional Collector, Darbhanga for cancellation of the Jamabandi in question so that the encroachment made over Khesra no. 108 can be removed.

3. Having regard to the facts and circumstances of the case, this Court finds that till jamabandi in question is cancelled, the further proceedings of Encroachment case no. 17 of 2022-23 cannot proceed, however, as far as Encroachment case no. 06 of 2022-23 is concerned, since the encroachers have already filed an appeal against the final order dated 20.02.2023, passed by the Circle Officer, Biraul, this Court directs the appellate authority to dispose off the said appeal by passing a reasoned and a speaking order, in accordance with law, within a period of eight weeks from today, whereafter appropriate action, in accordance with law, shall be taken, forthwith.

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

**(Mohit Kumar Shah, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 17.08.2023 |
| Transmission Date | NA         |

