

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12087 of 2013**

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1. Vir Sah Son, of Late Sivo Sagar Gupta Resident of Ramgarh, P.S. - Ramgarh, District - Kaimur Bhabhua
  2. Bidhan Chandra Sah, Son of Late Sivo Sagar Gupta Resident of Ramgarh, P.S. - Ramgarh, District - Kaimur Bhabhua

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Kaimur, Bhabhua
3. District Development Commissioner, Kaimur, Bhabhua
4. District Board Kaimur Bhabhua, through its Executive Officer, Kaimur, Bhabhua
5. Circle Officer Ramgarh Circle, Ramgarh, Kaimur, Bhabhua
6. Block Development Officer, Ramgarh, Kaimur, Bhabhua
7. Officer-Incharge Ramgarh Police Station , Kaimur, Bhabhua
8. Parasnath Singh Son of Late Ram Ratan Singh Resident Of Ramgarh, P.S. Ramgarh, Kaimur Bhabhua

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Mahesh Prasad, Advocate               |
|                      | : | Mr.Revti Kant Raman, Advocate            |
| For the State        | : | Mr.Sajid Salim Khan, Standing Counsel-25 |
|                      | : | Mr.Arif Daula Siddiqui, AC to SC-25      |

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

4      16-03-2023                      The present writ petition has been filed seeking the following relief:-

*“1. That this application under writ jurisdiction is being filed for issuance of appropriate writ/writs, direction/directions order/orders, commanding the respondent no. 5 to drop the encroachment proceeding which is barred*



*under a law as the same is hit by doctrine of res judicata. In fact the issue as the land in question is the property of petitioners, not of District Board has been already decided long prior in finality and further the Respondent no. 5 may be commanded after issuance of a writ in the nature of Mandamus or any appropriate, restraining to proceed on an unjustified litigation launched by a stranger Respondent No. 8 who has got no locus standi i.e. the right to an action to agitate the question before a tribunal, not concerned with him."*

The learned counsel for the petitioners has filed a supplementary affidavit, which is taken on record, wherein it has been submitted that the District Board, Rohtas at Sasaram, (now Jila Parishad, Rohtas at Sasaram), had challenged the order passed by the Consolidation Officer, Ramgarh, by filing an Appeal bearing Appeal No. 1468/1985-86, before the Assistant Director, Consolidation, Rohtas at Sasaram, however, the same was dismissed by an order dated 27.07.1989, nonetheless the same was challenged by filing a revision petition bearing Consolidation



Revision No. 1321/1990, before the Director, Consolidation, Bihar, Patna and the same was allowed vide order dated 24.02.2014, nonetheless, the same was challenged by the petitioners before the Bihar Land Tribunal by filing a case bearing BLT Case No. 762 of 2014 and the learned Tribunal, Patna by an order dated 26.10.2016, passed by Chairman of the said Tribunal, has allowed the case filed by the petitioners and the order passed by the Deputy Director, Consolidation, in favour of the petitioners, has been affirmed.

In such view of the matter, it is submitted that the petitioners cannot be said to be encroachers.

The aforesaid stand taken by the petitioners in the supplementary affidavit, filed before this Court today is not refuted by the learned counsel appearing for the respondent-State, hence the present petition stands disposed off with an observation that the rights of the petitioners over the land in question would be governed by the judgment dated 26.10.2016,



rendered by the learned Chairman, Bihar Land Tribunal, Bihar, Patna in B.L.T. Case No. 762 of 2014.

**(Mohit Kumar Shah, J)**

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