

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10962 of 2019**

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Kamla Devi Wife of Yogendra Sharma Resident of Village- Ankuri, P.S.- goh,  
District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through, the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate Aurangabad.
3. The Superintendent of Police Aurangabad.
4. The SDPO Daudnagar, Aurangabad.
5. The Sub Divisional Officer Daudnagar, Aurangabad.
6. The DCLR Daudnagar, Aurangabad.
7. The Circle Officer Daudnagar, Aurangabad.
8. The Circle Amin Son of Kapil Dom, Resident of Village- Gopalpur, P.S.- Goh, District- Aurangabad at present residing at Village- Ankuri, P.S.- Goh, Distt.- Aurangabad.
9. Ranjan Dom Son of Kapil Dom Resident of Village- Gopalpur, P.S.- Goh, district- Aurangabad at present residing at Village- Ankuri, P.S.- Goh, distt- Aurangabad.
10. Dharmendra Dom Son of Kapil Dom Resident of Village- Gopalpur, P.S.- Goh, district- Aurangabad at present residing at Village- Ankuri, P.S.- Goh, distt- Aurangabad.
11. Upendra Dom Son of Kapil Dom Resident of Village- Gopalpur, P.S.- Goh, district- Aurangabad at present residing at Village- Ankuri, P.S.- Goh, distt- Aurangabad.
12. Indal Dom Son of Kapil Dom Resident of Village- Gopalpur, P.S.- Goh, district- Aurangabad at present residing at Village- Ankuri, P.S.- Goh, distt- Aurangabad.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate  
For the State : Mr. Dhurjati Kumar Prasad, GP14  
For the respondent nos. 9 to 12 Mr. Santosh Chandra Bhaskar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**

**Date : 16-02-2023**

Heard learned counsel for the petitioner, learned counsel  
for the State and learned counsel for the respondent nos. 9 to 12.

The petitioner has filed the instant application for the



following reliefs:

*“1. That this is an application for issuance of appropriate writ/ writs, order/ orders, direction/ direction commanding the respondent authorities especially respondent no. 2 and 7 to take appropriate steps against the private respondent no. 9 to 12 who instead of taking possession of their settled land being Thana No. 220, Khata No. 153, Plot No. 209, Area- 3 decimals bounded by in North Plot No. 213, Sough- Pathway, East- Dharmendra Dom, West- Upendra Dom forcefully encroached the raiyati land of petition appertaining to Khata No. 209, Plot No. 213, Area- 5 decimals bounded north-by self, South- Private Respondent, East- Self, West- River.*

*Petitioner further indulgence seeks commanding Hon'ble Court the respondent authorities especially respondent no. 2 to 7 to provide security to petition to enjoy her raiyati land which has been encroached by using unlawful force by private respondent as they got settlement of a piece of land in their favour by the government but instead of taking possession on settled land they encroached the part land of petitioner and causing hindrance in enjoyment and use of her legal right on raiyati land.*

*Petitioner further seeks any other relief/ reliefs for which she is found entitled in the eye of law and in the facts and circumstances of the*



*present case.”*

It is contended on behalf of the petitioner that she is the owner of the raiyati land appertaining to Khata no.209 Plot no.213 which she received on partition in the family. Out of the total area of 7 decimals received by her, an area of 5 decimals has been encroached by the private respondents. It is further submitted that it is not in dispute that although the private respondent nos. 9 to 12 were given Basgit Parcha but the same was pertaining to Plot nos. 209 and not Plot no.213.

As per the case of the petitioner, the private respondents having encroached upon the petitioner's land, hence the instant writ application praying for the prayer made hereinabove.

A counter affidavit has been filed on behalf of the respondent nos. 9 to 12 enclosing with the same copies of the Basgit Parcha issued in favour of the private respondents from which also it would be evident that the lands given to the private respondents is Plot nos. 209. What further transpires from the Basgit Parcha is that adjacent North of Plot no.209 is plot no.213.

In view of the peculiar facts of the case, this Court by its order dated 26.9.2022 ordered as hereinunder.

*“Heard the parties.*

*The contention of the learned counsel for*



*the petitioner is that the private respondent was issued the Basgit Parcha instead of possessing the land giving to him by Basgit Parcha, he is claiming the land belonging to the petitioner and he threatened the petitioner that if petitioner will take steps for measurement of the land, the private respondent will file a cause under SC/ST Act against the petitioner.*

*District Magistrate, Aurangabad is directed to get the land of the petitioner demarcated and the land of the private respondent which has been allotted to him under Basgit Parcha shall also be demarcated so that this dispute is solved for once and all.”*

A counter affidavit has been filed on behalf of the respondent no.6 ie the DCLR, Daudnagar, Aurangabad stating therein that the land was got measured and demarcated by the Anchal Amin in presence of son of the petitioner who subsequently refused to put his signature and a measurement report has also been submitted by the Anchal Amin before the Circle Officer. Relevant portion of the counter affidavit is quoted hereinbelow:

*“6. That pursuant to that the land of the petitioner got measured and demarcated by the Anchal Amin and thereafter a measurement report to this effect has been submitted by*



*Anchal Amin before the Circle Officer, Goh.*

.....  
9. That in compliance with the aforesaid order dated 05.12.2022, of this Hon'ble Court, the measurement and demarcation of the land in question has been done in presence of son of the petitioner namely Shashi Ranjan Sharma and private respondents and villagers also, who put their signature on attendance paper. After completion of process of measurement, the Anchal Amin prepared his measurement report, stating therein that the houses of private respondents/setties have been constructed over the settled land bearing Plot No.209 and no encroachment has been found made by the settles over the realtyati land of the petitioner bearing plot no.213. Accordingly the Anchal Amin submitted his measurement report along with Nazari Naksha before the Circle Officer, Goh.

*The copy of measurement report along with Nazari Naksha of Anchal Amin in annexed herewith and marked as Annexure-"B" to this series."*

10. That after completion of process of measurement of the land in question a proceeding was prepared on spot upon which all concerned put their signature but the petitioner's son Shashi Ranjan Sharma and his family



*member Madan Mohan Sharma refused to put their signature on the proceeding paper.*

*11. That thereafter the respondent no.7, Circle Officer, Goh vide letter no.1595 proceeding dated 14.12.2022, clarifying. Hon'ble Court all concerned parties were duly noticed and in their presence the process of measurement has been completed dated 16.12.2022 submitted his report along with measurement report and therein that in compliance with the aforesaid order dated 05.12.2022 of this scientifically by the Anchal Amin. Accordingly the land in question of the petitioner and the settled land of the private respondents has been demarcated.*

*The copy of C.O., report Goh along with enclosures submitted vide letter no.1595 dated- 16.12.2022 is annexed herewith and marked as annexure-"C" to this series."*

At this stage learned counsel for the petitioner referring to the report of the Anchal Amin dated 26.10.2018 (Annexure-4) and more particularly paragraph nos. 4 and 5 thereof submits that encroachment was found on petitioner's land and the private respondents did not permit the pillars to be placed while the land of the petitioner was being demarcated.

In view of the facts of the case as stated hereinabove this



writ application is disposed of with the following observations and directions:

(i) The Basgit Parcha issued to the private respondents are in connection with Plot no.209 while the land of the petitioner is in Plot no.213.

(ii) The respondent authorities will once again carry out demarcation of the land of the petitioner and shall place pillars to demarcate the lands.

(iii) Respondent no. 3, the Superintendent of Police will provide police force, if asked for, for carrying out the above demarcation and placing of pillars.

(iv) Respondent no.6, the DCLR, Daudnagar and respondent no.7, the Circle Officer, Daudnagar shall carry out the above within a period of four weeks.

The writ application stands disposed of.

**(Partha Sarthy, J)**

Bibhash

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