

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11695 of 2005

1. Dhrub Bin son of Tapeswar Bin
2. Parash Bin son of Harangi Bin
3. Zawahir Hazam son of Brijhan Hazam
4. Moti Lal Hazam son of Brijhan Hazam
5. Kishori Bin son of Lskhan Bin
6. Prahalad Bin son of Laljee Bin
7. Mangal Bin son of Pitamber Bin
8. Hira Lal Bin Son of Nageswar Bin
9. Chhote Pahalwan son of Harangi Bin @ Chote Prahalad
10. Rudal Bin son of Harangi Bin
11. Bhagirath Bin son of Prahalad Bin
12. Jai Narain Hazam son of Saryug Hazam
13. Ram Kishori Bin son of Pitamber Bin @ Ram Kishun Bin
14. Newal Hazam son of Gherbharan Hazam
15. Lalan Hazam son of Ghurbharan Hazam
16. Anirudh Bin son of Leljee Bin
17. Shivnath Bin son of Mana Bin
18. Bunni Lal Bin son of Bujhawan Bin
19. Ram Nath Sah son of Dipchand Sah
20. Rameshwar Chaudhary son of Kanhai Chaudhary
21. Nag Narayan Hazam son of Saryug Hazam
22. Shanti devi wife of Dinesh Bin
23. Bandhu Bin son of Bhuteri Bin
24. Nathuni Nishad son of Manna Nishad
25. Sitaram Nishad son of Ramjee Nishad
26. Ram Chandra Nishad son of Kanti Nishad

All are the resident of village Deurwa (Chhotka), Police Station-Bharoganj,
(Bagha-1) District West-Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector West Champaran, Bettiah
3. The S.D.O. Bagha, District West-Champaran



4. Land Reforms Deputy collector, Bagha, District West-Champaran
- 5 Anchal Adhikari, Bagaha-1 P.S.-Bagaha, District-West Champaran
6. Chandrika Ram son of Budhai Ram
7. Mundirika Ram son of Budhai Ram
8. Hari Ram son of Fenku Ram
9. Nanda Ram son of Fanku Ram
10. Suresh Ram son of Not Known
11. Nand Lal Ram Not Known
12. Birendra Ram son of Banarshi Ram
13. Bindhyachal Ram son of Banarshi Ram
14. Rama Kant Ram - Not Known
- 15 Jag Ram son of Lakhan Ram
16. Tulshi Ram son of Giawan Ram
17. Sukai Ram son of Lochan Ram
18. Shambhu Ram son of Lochan Ram
19. Ramjee Ram son of Not Known
20. Suwash Ram - Lochan Ram
21. Hira Ram son of Not known
22. Lal Babu Ram, Hira Ram

. Respondent No.5 to 21 are the residents of village Bhaisahi, Police-Station Bharoganj, District West-Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhitabh Kumar
For the Respondent/s : Mr. Aag3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 15-02-2023 The present writ petition has been filed seeking the following relief:-

“1. That the petitioners by this application seek issuance of a writ of mandamus and any other writ or



direction compelling the respondents Ist set to not demolish, evict the house of petitioners in which they and their ancestors are were living since long. And for quashing of notice issued by Respondent no.5 contained in Annexure-8 inviting production of documents with regards to settlement of lands belongs to the petitioners within stipulated time 24 hours of receipts of notice and for vacating their unauthorised construction of their house/huts from the disputed plot. The petitioners further prayed for quashing of order of settlement proposed and passed by Anchal Adhikari(Respondent No.5) by his order dt. 15.7.2002 and finally approved by respondent no.3 and 4 on 15.9.2002 contained in Annexure 4."

The learned counsel for the petitioners has submitted that despite lapse of about 18 years, the houses of the petitioners are still intact, hence, in case the Respondent-State still wants to evict the petitioners, they should take recourse to the due



process of law, however, till then, the petitioners be not disturbed.

Having regard to the facts and circumstances of the case & considering the fair submissions made by the learned counsel for the petitioners, I deem it fit and proper to dispose off the present writ petition with an observation that in case the Respondent-State is desirous of taking any action, including that of demolition of the houses of the petitioners, it shall initiate appropriate proceedings, in accordance with law, afresh and after granting due opportunity to the petitioners to put forth their defence, take a final decision in the matter, in accordance with law, however, till then, neither the petitioners shall be evicted from the houses in question nor their houses shall be demolished.

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

(Mohit Kumar Shah, J)

Ajay/-

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