

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12518 of 2023**

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1. Pandit Anand Jha Shastri @ Anand Jha Shastri @ Anand Jha, S/o Late Jai Narayan Jha, R/o Bans Kothi, D. N. Das Lane, Bangali Akhada, Langartoli, Arya Kumar Road, PO - Bankipur, PS-Kadamkuan, District - Patna - 800004
  2. Mukesh Kumar Jha, S/o Pandit Anand Jha Shastri @ Anand Jha Shastri @ Anand Jha, R/o D. N. Das Lane, Langartoli, PO-Bankipur, PS-Kadamkuan, District - Patna - 800004

... .. Petitioner/s

Versus

1. The Union of India Through the Secretary to the Government of India, Ministry of Law and Justice, New Delhi.
2. The Secretary to Secretary to the Government of India, Ministry of Road Transport and Highways, New Delhi.
3. The State of Bihar through its Chief Secretary.
4. The Chief Secretary to the Government of Bihar, Patna.
5. The Additional Chief Secretary to the Government of Bihar, Department of Revenue and Land Reforms, Patna.
6. The Principal Secretary to the Government of Bihar, Road Construction Department, Patna.
7. The District Magistrate / Collector, Vaishali, Hajipur, District - Vaishali.
8. The Superintendent of Police, Vishali, Haipur, District - Vaishali.
9. The Sub Divisional Magistrate, Hajipur, District Vaishali.
10. The Circle Officer, Hajipur, District - Vaishali.
11. The SHO, Ganga Bridge PS, Hajipur, District - Vaishali.
12. S.P.Singla Constructions Pvt. Ltd. through its Managing Director, with its office at Kanak Braj Complex, Boring Road, Nageshwar Colony, Pandooi Kothi, Patna, District- Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Krishna Ballabha Sharma, Advocate |
| For the UoI          | : | Mr. K. N. Singh, Sr. Advocate        |
| For the State        | : | Mr. Saurabh Kumar, AC to SC-19       |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

**ORAL JUDGMENT**

**Date : 19-09-2023**

Heard learned counsel for the petitioners, learned



counsel for the Union of India as well as learned counsel for the State.

2. A hard copy of the supplementary affidavit, filed in the Court today itself, is directed to be accepted. A soft copy of the counter affidavit has already been filed and to that effect, an acknowledge slip is also attached.

3. Learned counsel for the petitioners submits that they are purchasers of lands by virtue of two registered sale deeds bearing Nos. 319 and 771 dated 19.01.2015 and 03.02.2015 respectively appertaining to Khata No. 93, Survey Plot No.262 and 262 (2) total area 9 ½ decimals. He further submits that the petitioners have constructed a pucca residential house over the said plots. All of sudden, on 17.08.2023, respondent No.10, namely, the Circle Officer, Hajipur along with the staff of the construction company, known as S. P. Singla Constructions Pvt. Ltd (respondent No.12) reached the house of the petitioners and put a mark over their property for the purpose of demolition for the construction of the expanded road. He further submits that the petitioners have raised objection before the Circle Officer as the said lands were their purchased land over which they have constructed their house as well as temple for offering worship. He further submits that



there is apprehension about the demolition of the constructed house in the name of the construction of the new 4-lane bridge (Parallel to Mahatma Gandhi Setu) but without following any due procedure of law. He further submits that the petitioners are residing in a welfare state and there is a threat to demolition of the house without following due procedure of law which requires acquisition of land upon issuance of notice to all the affected persons.

4. He further submits that upon the filing of the present petition, he has mentioned this case for early listing then only back-dated notice has been issued vide letter no. 1759 dated 11.09.2023 with a view to protect their legal action.

5. Learned counsel for the State seeks a short adjournment to file the reply to the writ petition.

6. Learned counsel for the Union of India submits that presently from the pleadings made by the parties, there are absolutely no grievances of the petitioners against the Union of India. As such according to him, the Union of India has been unnecessarily added as a party respondent in this case.

7. From the argument of the parties and the pleadings made it is not clear from annexure P/3 on what basis, the Circle Officer, Hajipur has issued notice vide letter No. 1759 dated



11.09.2023 and held that a total of 14 persons including the petitioners have illegally encroached the said lands. From the said notice it is not clear whether the said lands are public land or private land. If it has been presumed that the said lands are public land, then the Circle Officer is the competent authority under the provisions of the Bihar Public Land Encroachment Act, 1956 for initiating proceedings and after having heard all the affected parties upon issuance of notice pass necessary order for removal of encroachment. If the lands in question are the raiyati in nature then in that case, the petitioners may be removed from their land but only after the process of acquisition and not otherwise.

8. In this view of the matter, the petitioners are granted liberty to appear before respondent No.10, namely, the Circle Officer, Hajipur, Vaishali by way of representation along with a copy of this order whereupon Respondent No.10, namely, the Circle Officer, Hajipur, Vaishali is directed to fix a date for hearing the petitioners and other similarly situated persons within 15 days on production of a copy of this order. The petitioners undertake that they shall appear before the Circle Officer on the date fixed.

9. Till passing any final order on the representation



filed by the petitioners, respondent No.10, namely, the Circle Officer, Hajipur, Vaishali, and respondent No.12, namely, S. P. Singhla Constructions Pvt. Ltd through its Managing Director are directed not to take any coercive action against the petitioners and other persons whose names are mentioned in Annexure-P/3 to the supplementary affidavit.

10. Needless to add the entire exercise be completed within one month at the level of the Circle Officer from the date of production of a copy of this order.

11. With this direction, the present petition stands disposed of.

**(Dr. Anshuman, J)**

Ashwini/-

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| AFR/NAFR          |            |
| CAV DATE          | 21/09/2023 |
| Uploading Date    | NA         |
| Transmission Date | NA         |

