

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15628 of 2022

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Ramjee Pandey Son of Shivdhari Pandey, Resident of Village Manipur, P.O.-
Bheria, P.S. Durgawati, District-Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, Kaimur at Bhabhua.
3. The Sub Divisional Officer, Durgapur, District-Kaimur at Bhabhua.
4. The Circle Officer, Durgawati, District-Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 04-07-2023

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

“That this is an application for issuance of writ, order or direction particularly in the nature of Mandamus, directing the respondent authorities specially to Respondent No. 4, the Circle Officer, Durgawati District: Kaimur at Bhabhua to discharge his obligation in implementation of the direction of higher authorities regarding removal of fully encroachment of the government land especially the land pertaining to Khata No. 23, Plot No. 18, Area 0.80 dec. and khata no. 22, plot no. 21, 22, 57, 47 and 16, which has been



recorded as Anabad Sarvasadharan in survey khatian; And/or pass such other order or orders as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

2. The learned counsel for the respondent-State has referred to the counter affidavit filed in the present case by the District Magistrate, Kaimur at Bhabhua, wherein it has been stated that after passing of the earlier order of this Court dated 11.05.2023, a two-member inquiry committee was constituted, which has submitted a joint inquiry report dated 22.05.2023 and it has been found that the predecessor of the present Collector, vide order dated 02.04.2019, had directed the Circle Officer, Durgawati and the SHO, Durgawati to remove the re-encroachment made by the encroachers and depute a Chaukidar to keep vigil at the said place. It has also been stated in the counter affidavit filed by respondent no.2 in the present case that encroachment proceedings, vide Encroachment Case No.15 of 2011-12 were initiated by the Circle Officer, Durgawati, however, no action was taken by the then Circle Officer, Durgawati, nonetheless, the present incumbent, after resorting to the due process of law, has removed the encroachment from the land in question and has also deputed a local Chaukidar to keep proper vigil. It has been further stated in the said counter



affidavit that eleven persons were found to have encroached the public land and after issuing notices to them and taking recourse to the due process of law, the entire encroachment in question has stood removed on 15.05.2023.

3. The learned counsel for the petitioner submits that though some encroachment has been removed, but debris is lying and still some encroachment exists at the land in question.

4. Having regard to the facts and circumstances of the case, I direct the District Magistrate, Kaimur at Bhabhua to ensure clearance of the entire debris/ removal of residual encroachment from the land in question, within a period of six weeks from today, failing which he shall not draw his salary.

5. 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	16.08.2023
Transmission Date	NA

