

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16545 of 2022**

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1. Pankaj Tiwari @ Pankaj Kumar Tiwari S/o Ghosh Tiwari Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
2. Lochan Mali S/o Chokat Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
3. Jangi Mali S/o Late Liladhar Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
4. Manindra Tiwari S/o Bipin Tiwari Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
5. Santosh Tiwari S/o Ramshankar Tiwari Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
6. Badhu Yadav S/o Dhodha Yadav Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
7. Yasin Miyan S/o Late Fateh Miyan Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
8. Sohila Chaurasiya S/o Late Dawaarika Chaurasiya. Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
9. Nashiran Nesa, W/o Hasmudin Deewan. Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
10. Mushtafa Deewan S/o Hadis Deewan Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
11. Samsul Nesha W/o Late Taslim Miyan Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
12. Subhash Mali S/o Late Nathuni Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
13. Chhedi Mali S/o Late Nathuni Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
14. Mohan Mali S/o Late Nathuni Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
15. Munna Miyan S/o Late Fate Miyan Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
16. Babban Mali S/o Liladhar Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
17. Nagendra Mali S/o Baban Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
18. Jitendr Mali S/o Baban Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
19. Deepak Mali S/o Baban Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.
20. Bablu Mali S/o Baban Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.



21. Rattan Mali S/o Baban Mali Resident of Village Thakrahan, Police Station, Thakrahan, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Government of Bihar, At Patna.
2. The District Magistrate Cum Collector, at Bettish, District West Champaran.
3. The Superintendent of Police, District-West Champaran.
4. The Sub-Divisional Officer, Bagaha District-West Champaran.
5. The Circle Officer, Thakrahan, District-West Champaran.
6. The S.H.O. Baghan, Police Station, Thakrahan, District-West Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Kant, Advocate  
For the Respondent/s : Mr. Md. Khurshid Alam ( AAG- 12 )

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      09-02-2023                      Heard Mr. Chandra Kant, learned counsel appearing on behalf of the petitioners and Mr. Md. Khurshid Alam, learned AAG-12 for the State.

2. A counter affidavit has been filed on behalf of the respondent nos. 2, 4 and 5 in the Court. The same is directed to be kept on record of the case.

3. The present writ petition has been filed by 21 petitioners who have claimed to be landless persons. Some of them have claimed that certain lands which is a subject matter of the present writ petition were settled in their favour in the year 1991-92 by the State Government. However, with respect to some of the petitioners, it has been stated that they have



constructed their respective houses under 'Indira Awas Yojana' in the year 2012-13. The specific case of the petitioners is that without cancellation of jamabandi, the Circle Officer, Thakrahan, West Champaran has proceeded as per the provision of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') to dispossess the petitioners, who are living along with their family on the basis of settlement made by the State Government.

4. Learned counsel appearing on behalf of the State submitted that as per the pleading made in the writ petition with respect to some of the petitioners in whose favour settlement was made, there is no denial as to whether the State has filed any appeal for cancellation of Jamabandi so created in their favour. However, pleading made in the writ petition shows that some of the petitioners are living on the public land even without settlement of land having been made in their favour.

5. Having regard to the facts of the case it appears that the counter affidavit filed on behalf of the respondent is devoid of any specific averment as to whether the Jamabandi which has been created with respect to some of the petitioners has been cancelled or any initiative has been taken for cancellation of the Jamabandi so created in favour of the petitioners. The writ



petition also not give clear picture as to whether such Jamabandi has been created with respect to all the petitioners.

6. In such view of the matter, in the interest of justice, the order passed by the Circle Officer, Thakrahan, West Champaran is quashed as being without jurisdiction.

7. The respective parties are at liberty to avail appropriate remedy in accordance with law.

8. Accordingly, the present writ petition is allowed.

**(Purnendu Singh, J)**

Niraj/-

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