

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16390 of 2022

1. Krishna Rai son of Late Ram Bahadur Rai, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
2. Ram Sakal Rai, son of Late Nathuni Rai, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
3. Abbas Ali, son of Islam Miya, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
4. Anil Kumar Ray, son of Late Lakshmilal Ray, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
5. Abdul Rouf, Late Fida Hussain, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
6. Azhar Ali, son of Late Islam Miya resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
7. Sikandra Rai, son of Late Sadal Rai, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
8. Usman Miya son of Late Bulaki Miya resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
9. Kasmudin Miyan, son of Late Janis Miyan resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
10. Reyazudin Ansari son of Late Hafij Ansari resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
11. Rahmat Miya, son of Late Fatinga Miya resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
12. Amarudin Miya son of Late Janis Miya resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
13. Saimul Miya, son of Late Bulaki Miya resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
14. Hasim, son of Late Rafik Miya resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
15. Navijul Khatoon, wife of Alam Hussain, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
16. Rasodin Biwi, wife of Late Makbul Miyan, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District-



Muzaffarpur.

17. Laxman Ray, Late Ramashish Ray, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
18. Kaimuddin, son of Late Tajamahamad Miyan, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
19. Rampukar Rai, son of Late Ram Laxman Rai, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
20. Naimudin Ansari son of Late Tajamahamad Miya, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
21. Md. Saim Ansari, son of Late Pir Mahamad resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
22. Ashok Kumar Rai, son of Rambrish Rai, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
23. Nur Hasan Miyan, son of Late Mohamjan Ansari, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
24. Balendra Ray, son of Late Baiju Lal Rai, resident of Village- Bakhari Murarpur, P.O.- Chorghatta, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.
25. Rambriksh Rai, son of Late Ram Kishun Rai, resident of Village- Bakhari Mararpur, P.O.- Chorghatta, at present Bakhari Bhagwanpur, P.O.- Mahamda, P.S.- Baruraj, Anchal- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The General Manager, Bihar Industrial, Area Development Authority (BIADA), Bihar, Patna.
3. The Deputy General Manager, Bihar Industrial, Area Development Authority (BIADA), Muzaffarpur Cluster.
4. The District Magistrate, Muzaffarpur.
5. The Circle Officer, Motipur, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar,Adv.
For the State	:	Mr.Raj Kishore Roy,GP-18 Mr.Navnit Kumar,AC to GP-18
For the BIADA	:	Mr.Lalit Kishore,Sr.Adv.



Mr.Yashraj Bardhan,Adv.
Mr.Abhishek Kr. Srivastava

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-05-2023 The present writ petition has been filed
seeking the following relief:-

“1. That this is an application for issuance of an appropriate writ, order or direction particularly in nature of Certiorari for quashing the notice contained in Memo No. 2784 dated 07.10.2022 issued to the petitioners under signature of respondent no. 5 Anchal Adhikari, Motipur for removing of the encroachment on the land of BIADA by 13.10.2022 otherwise action would be taken against them.”

At the outset, the learned counsel for the petitioners, the learned counsel for the respondent-State and the learned senior counsel appearing for B.I.A.D.A, Shri Lalit Kishore, are in agreement that the mode and manner, by which the petitioners are being sought to be displaced from the land in question, is not in accordance with law, hence the Ld. Counsel for the respondents seeks liberty on behalf of the respondents to take



recourse to the due process of law, in case they choose to evict the petitioners from the land in question. Liberty so sought by the respondents is granted.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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