

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14818 of 2023

Ajay Kumar Jha son of Budhinath Jha, resident of Village-Belahi, Police Station-Kaluahi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhubani.
3. The Sub Divisional Officer, Madhubani.
4. The Block Development Officer, Kaluahi Block, District-Madhubani.
5. The Circle Officer, Kaluahi Block, District-Madhubani.
6. The S.H.O. Kaluahi, Madhubani.
7. Gauri Shankar Jha, son of Late Subodh Jha, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
8. Manoj Rai, son of Late Dodhai Rai, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
9. Budhan Rai, son of Ram Kishun Rai, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
10. Jubti Rai, son of Late Gulab Rai, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
11. Satya Narayan Rai, son of Late Gulab Rai, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
12. Lakshmi Narayan Jha, son of Fekan Jha, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
13. Murli Jha, son of Late Kamla Kant Jha, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
14. Nathuni Jha, son of Late Surya Narayan Jha, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
15. Md. Sammi, Son of Late Maksud, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
16. Md. Akbar, son of Md. Sattar, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
17. Upendra Sah, son of Dukhan Sah, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
18. Md. Attah Hussain, son of Late Khuda Bakas, Resident of Village-Subhankarpur, Police Station-Kaluahi, District-Madhubani.
19. Manoj Safi, son of Late Budu Safi, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.
20. Vinod Safi, son of Late Pachkuri Safi, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.



21. Shariat Kumar Jha, son of Late Lakshman Jha, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.
22. Dinesh Jha, son of Late Sahdeo Jha, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.
23. Nathuni Jha, son of Late Chandra Shekhar Jha, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.
24. Hukum Sah, son of Late Moka Sah, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.
25. Durga Nand Sah, son of Late Lakshmi Sahi, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.
26. Rup Narayan Jha, son of Late Baidh Nath Jha, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.
27. Dinesh Jha, son of Late Sahdeo Sah, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.
28. Subodh Chandra Jha, son of Digambar Jha, Resident of Village-Bellahi, Police Station-Kaluahi, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC- 19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-11-2023 The present writ petition has been filed
seeking the following reliefs:-

“1. (i) For issuance of writ/writs in the nature of Mandamus for commanding the respondents to immediately remove the encroachment of main Road Kaluahi to Madhubani and P.W.D. to Belahi to Loha, which has been encroached by the Respondents.
(ii) For commanding the Respondents as to why the



encroachment of main road which goes to Kaluahi to Madhubani and P.W.D. to Belahi has not been removed as yet though the said land is a main road, hence no vehicle can enter in the Village.

(iii) For commanding the Respondents as to why the public land which has been used by the villagers have been encroached by the respondents, has not been removed as yet.

(iv) For commanding the Respondents as to why the Respondents has encroached the public land which falls in the jurisdiction of Village- Belahi, Thana No. 56, Police Station- Kaluahi, Khata No. 903, has been encroached by the Respondents thus, the said land has been used by the general people of village.

(v) For commanding the respondents as to why the main road has been encroached by the encroachers and same but not been removed as yet."

2. At the outset, the learned counsel for the



petitioner submits that although encroachment proceedings qua the land/public road in question has been taken to its logical conclusion, however, the encroachment in question has not yet been removed, hence the petitioner be granted liberty to approach the District Magistrate-cum-Collector, Madhubani for redressal of his subsisting grievances. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioner files appropriate representation before the District Magistrate, Madhubani within a period of two weeks from today, the District Magistrate, Madhubani shall ensure removal of the encroachment in question, if any, in accordance with law, forthwith.

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

(Mohit Kumar Shah, J)

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