

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.320 of 2018

In
Civil Writ Jurisdiction Case No.12275 of 2016

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- 1.1. Sikandar Rahman, Son of Late Md. Hasimuddin @ Hasimuddin Resident of Village- Malickpur Hat, Telta, P.S.- Balrampur, District- Katihar.
 2. Bablu Ansari, Son of Late Azad Ansari Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 3. Shabbir Ansari, Son of Late Shahadat Ansari Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 4. Malti Devi, Wife of Santosh Pandit Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 5. Ramzan Ansari, Son of Late Inayat Ansari Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 6. Ibrahim Ansari, Son of Ramzan Ansari. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 7. Siadul Ansari, Son of Late Azizul Ansari. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 8. Abdul Latif @ Latiff, Son of Late Fazlur Rahman. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 9. Shamim Ansari @ Md. Shamim, Son of Late Khalique Ansari. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 10. Noor Asgar, Son of Late Md. Salim. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 11. Dr. Birendra Das @ Birendra Ch Das, Son of Late Bishesher Das. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 12. Santosh Pandit, Son of Birendra Pandit Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 13. Md. Manower @ Manower Hussain, Son of Abdul Wahid. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 14. Md. Nurain @ Md. Noorul Alam, Son of Md. Ishhaque. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 15. Md. Sanwar, Son of Abdul Wahid. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 16. Wali Sagar @ Md. Wali Alam Son of Late Md. Jamshed. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.
 17. Noor Sanwer, Son of Late Md. Salim. Resident of Village- Lohgara (Mallikpur), Block, Balrampur, P.S.- Balrampur, District- Katihar.

... .. Appellant/s



Versus

1. The State of Bihar through Commissioner Land Reform, Government of Bihar, Patna.
2. The District Development Commissioner Katihar, District- Katihar.
3. The Sub- Divisional Officer, Katihar, District- Katihar.
4. The Deputy Collector, Land Reforms, Katihar, District- Katihar.
5. The Circle Officer, Balrampur Block, District- Katihar.
6. The Circle Inspector, Balrampur Block, District- Katihar.
7. Md. Mohsin Alam, Son of Late Haji Mozaffer Hussain, Resident of Village- Mallikpur, P.S. Balrampur, District- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naushad Akhtar, Advocate
For the Respondent/s : Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-01-2023

Heard learned counsels for the respective parties.

Respondent-Md. Mohsin Alam, who is stated to be a Mukhiya of Village-Mallikpur, P.S.-Balrampur, District-Katihar, filed CWJC No. 12275 of 2016 while impleading the appellants as a necessary and proper parties. The learned Single Judge on 07.11.2017 while disposing the CWJC No. 12275 of 2016, proceeded to hold that “The nature of order of this Court intends to pass, does not require issuance of notice to private Respondent No. 7-44” (17 contesting respondents are appellants before this Court)”.

Prima facie, appellants were not heard in the matter,



therefore, in order to resolve the matter, the District Magistrate, Katihar, is hereby directed to examine whether appellants are entitled to alternative land in the light of State Government's Scheme or not? It is learnt that such issue is pending consideration before the Circle Officer. Therefore, the District Magistrate is hereby directed to supervise the matter and direct the Circle Officer while giving time bound direction insofar as consideration of appellants' case in the light of State Government's Scheme as to whether they are entitled to alternative land or not? Such decision shall be taken within a period of six months from the date of receipt of this order, since learned counsel for the appellants have not disputed that appellants have encroached upon the subject land of the present lis.

Accordingly, the present LPA stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/Daya/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

