

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2134 of 2023

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Pandit Radha Krishna Jha @ Radha Krishna Jha Son of Gauri Shankar Jha,
Resident of village - Auriya, Circle - Barahat, P.S. - Barahat, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms department, Government of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur.
3. The District Magistrate, Banka.
4. The Additional Collector cum In-charge Officer (Revenue), Banka.
5. The Sub Divisional Magistrate, Banka.
6. The Deputy Collector Land Reforms, Banka.
7. The Civil Surgeon cum Member Secretary, District Health Society, Banka.
8. In-charge Medical Officer, Barahat (Banka).
9. Circle Officer, Barahat, Banka.
10. Circle Officer, Amarpur Block, Banka.
11. Rungta Enterprises through its Proprietor Raj Kishore Singh, Contractor and agency PHC, Oraiya, Barahat Block, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ajay Mukherjee, Advocate
For the State	:	Mr. Rishi Raj Sinha (SC-19)
		Mr. Saurabh Kumar, AC to SC-19
For Resp.No.11	:	Mr. Rajib Raushan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 15-01-2024 This writ application has been filed for directing the respondents to remove encroachment forthwith from an area of 2.78 decimal private raiyati land of the petitioner appertaining to Khata no. 398 Plot no. 2774 situated in Mauza- Oraiya, Barahat block of Banka district, over which, building of Sub-PHC has illegally been constructed without sanction from competent authority, without obtaining NOC and without giving any



compensation to the petitioner.

2. In this case, a counter affidavit has been filed by Respondent no. 9 / Circle Officer, Barahat, Banka and in paragraph – 5, it is stated that in course of hearing, measurement of land in question was done and it was found that 2.629 decimal land has been encroached and construction was made on the said area, which belongs to this petitioner. The said construction was made by the Respondent no. 11, who is a contractor and was assigned to construct the Sub-PHC centre by the Respondent no. 7. Thereafter, in paragraph – 8, it is stated that NOC was issued to the Respondent no. 11 for construction of Sub-PHC on the land, appertaining to Mouza – Auriya, Thana no. 385, Khata no. 297, Plot no. 278 for an area of 20 decimals, which is a Government land, but unfortunately, construction was made on Khata no. 398, Plot no. 2774, which is a raiyati land of the petitioner. Accordingly, the Respondent no. 7 on 16.03.2023, vide Memo no. 733, has directed the Respondent no. 11 to remove the encroachment within 24 hours (copy of letter dated 16.03.2023 is at Annexure-A to the counter affidavit).

3. In the aforesaid facts and circumstances, the respondents authorities are directed to remove the encroachment made on the raiyati land of the petitioner, bearing Khata no. 398



Plot no. 2774 situated in Mauza- Oraiya, Barahat block of Banka district within a period of six weeks from the date of receipt / production of copy of this order.

4. With this observation, writ petition is allowed.

(Prabhat Kumar Singh, J)

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