

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9793 of 2018

1. Sanmukh Choudhary Son of late Suchit Choudhary Resident of Village- Rediya, Police Station- Karghar, District- Rohtas.
2. The District Magistrate, Rohtas.
3. The D.C.L.R. Sasaram, Rohtas.
4. The Circle Officer, Kochas, P.O P.S. Anchal Kochas, District- Rohtas.
5. The Superintendent of Police, Rohtas, District- Rohtas.
6. The Inspector of Police Station, Karghar, District- Rohtas.
7. Baban Ram Son of Sri Parahu Ram Resident of Village- Rediya, Police Station- Karghar, District- Rohtas.
8. Dina Nath Ram Son of late Lalu Ram Resident of Village- Rediya, Police Station- Karghar, District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Bhushan Singh, Advocate Mr.Bindeshwari Singh, Advocate
For the Respondent/s	:	Mr.Dhurjati Kr. Prasad, G.P. 14

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2024

In the instant petition, petitioner has prayed for the following relief(s):-

i. For issuance of an appropriate writ/order or direction to the respondents for obey the order passed by the Respondent No. 2 itself in Khata No. 132, Plot No. 232 and area 0.06 decimal which is illegal possession of Respondent No. 8 and adjacent Mauza-Rediya, Anchal, Kochas, District-Rohtas, a 'Government land' which Khata No. 153, Plot No. 515 is fully encroached or has taken possession illegally by Respondent No. 7, may be



vacated immediately.

ii. For issuance of an appropriate writ/order or direction to respondents to immediately remove the encroacher either from 'Government land' or obey the order passed by itself for giving peaceful possession to petitioner as per directions.

iii. For issuance of a appropriate writ/order or direction to respondents on required at the time of hearing and other reliefs as sought of judicature.

2. The learned counsel for the petitioner submits that Khata No. 153, Plot No. 515 is a government land and the same has illegally been possessed by Respondent No. 7.

3. Learned counsel for the State submits through counter affidavit in Para 5 that Plot No. 515 is a public land and there is no encroachment upon the said land. He also submitted that order dated 29.04.2013 passed by Anchala Adhikari, Kochas and order dated 07.11.2013 passed by DCLR, Sasaram clearly indicates that there was no any encroachment over public land. In this way, petitioner has not made out a case that the public land has been encroached by anyone.

4. Keeping in view the facts and circumstances of the present writ petition, there is no public land which has been encroached by anyone.



5. In the light of the aforesaid discussion made above, the present writ petition stands disposed of.

6. At this stage, learned counsel for the petitioner submits that “Plot No. 515” has wrongly been mentioned in place of “Plot No. 415” which is a public land and the same has been encroached by Respondent No. 7 and 8.

7. Learned counsel for the petitioner is hereby directed to submit the said grievance before the concerned authority within three weeks from the date of receipt of this order and the concerned authority shall hear the matter after giving due opportunity to the parties and pass appropriate order expeditiously, in accordance with law.

(Alok Kumar Pandey, J)

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