

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17697 of 2018

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1. Pulkit Ram Son of late Balbhadra Ram
 2. Jagdish Ram Son of late Laxmi Ram
 3. Yogendra Ram Son of Jageshwar Ram
 4. Surendra Ram Son of Jageshwar Ram
 5. Sukeshwar Ram Son of Dhodhai Ram All Resident of Village and P.O. Karva, P.S. Kamtaul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Choudhary, Adv.
For the Respondent/s : Mr.Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 21-11-2024 1. The present writ petition has been filed for directing the respondent authorities not to remove the houses of the petitioners, who are landless, from the land appertaining to Khata No.585 and 586, Khesra No.216 and 218, situated at Mauza- Karva, Thana No.32, Police Station- Kamtaul, Block Jale, District Darbhanga, where they have been residing since more than 40 years.

2. At the outset, the learned counsel for the respondent State submits that though it is admitted that no encroachment proceeding has been initiated, however, action is being taken in light of the order dated 03.08.2017, passed by the Ld. Division Bench of this Court in C.W.J.C. No.10691 of 2017, nonetheless,



the Ld. Counsel for the respondent State has not denied the fact that the said order dated 03.08.2017 also postulates initiation of encroachment proceedings and resorting to the due process of law, before removing any alleged encroachment, hence it is submitted that the petitioners shall not be removed from the land in question, unless and until the respondents initiate encroachment proceedings and resort to the due process of law for removal of the encroachment in question, if any. It is directed accordingly.

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

(Mohit Kumar Shah, J)

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