

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2846 of 2016

=====

Sudama Singh Son of Late Sheomani Roy, Resident of Village- Karkatpur,
P.O.P.S.- Akhorhi Gola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Rohtas.
2. The Deputy Collector, Land Reforms, Dehri, District- Rohtas.
3. The Circle Officer, Akhorhi Gola, District- Rohtas.
4. The Officer Incharge, P.S. Akhorhi Gola, District- Rohtas.
5. Nathuni Paswan, son of Late Saki Chand Paswan
6. Jai Prakash Paswan, S/o Nathuni Paswan
7. Mantu Paswan S/o Nathuni Paswan All are resident of Village- Karkatpur,
P.S.P.O. Akhori Gola, District- Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha
For the Respondent/s : Mr.Aag2-D.K. Sinha

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL JUDGMENT

Date : 16-07-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Following relief(s) have been prayed for in
paragraph No. 1 of the present writ application:

*“1(I) To direct the concerned Respondents for
compliance of order dated 26.12.2012 passed by
D.C.L.R., Dehri in case No. 95/12-13 contained
in Annexure-1.*

*(II). To direct the concerned Respondent to
remove the Encroachment of the petitioner plot
no. 50 by respondents forthwith.*

*(III). To direct the concerned respondents to pass
necessary order on the petition filed by the*



petitioner on 15.6.2015. It is still pending for consideration.

(IV). To grant any other relief/reliefs which the petitioner may found entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the land of plot No. 50, Area 28 decimal of Mauza Karkat, Thana No. 133, Khata No. 22 is the ancestral raiyati land of the petitioner for which rent receipt was issued in favour of father of the petitioner and he is coming in peaceful possession over the same. Learned counsel for the petitioner submits that the vide Case No. 95/2012-13, the D.C.L.R., Dehri (respondent No. 2) after hearing the parties directed the Circle officer, Akhori Gola (respondent No. 3) vide order dated 26.12.2012 for measurement of land in presence of parties. Thereafter, the Circle Officer directed the Anchal Amin to submit report after measurement of the land in question. In pursuance of order of the Circle Officer, the Anchal Amin has submitted the report that private respondents have encroached the land of the petitioner and constructed a kachha boundary wall. Learned counsel for the petitioner further submits since no action was taken for removal of encroachment made on behalf of private respondents, the petitioner filed an application before the D.C.L.R. on 15.06.2015 (Annexure-3) stating that order dated



26.12.2012 has not been complied as yet.

4. A counter affidavit has been filed on behalf of Respondent Nos. 2 and 3. Referring to the statement made in paragraph No. 5 of the counter affidavit, it has been submitted by learned counsel for the State that the private respondents were found to have encroached an area of 5 decimals of plot No. 50 belonging to the petitioner.

5. Considering the aforesaid facts and circumstances and the submissions made on behalf of the parties, direction is given to the Circle Officer, Akhorihi Gola (Respondent No. 3) to comply with the order passed by the D.C.L.R., Dehri (Respondent No. 2) and dispose of the application dated 15.06.2015 filed by the petitioner within a period of two months from the date of receipt/production of a copy of this order.

6. With the aforesaid observation/direction, the present writ application stands disposed of.

(Rudra Prakash Mishra, J)

Pankaj/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	22.07.2024
Transmission Date	

