

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3687 of 2023

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Mithilesh Kumar Singh S/o Late Saryu Singh, R/o Village and P.O.- Masarh,
P.S.- Udwanatnagar, Block- Udwanatnagar, District West Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, New Secretariat, Patna.
2. The Collector, Bhojpur at Ara.
3. The Public Grievance Redressal Officer, Ara Sub-Division.
4. The Block Development Officer, Block- Udwanatnagar, District- Bhojpur.
5. The Circle Officer, Circle- Udwanatnagar, District- Bhojpur.
6. Shree Harinath Ram, Technical Assistant, Block- Udwanatnagar, District- Bhojpur.
7. The Anchal Ameen, Circle- Udwanatnagar, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 02-07-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of an appropriate writ in the nature of mandamus directing the respondent No.-5 to stop proceeding of Encroachment Case No.-09/2022-23 instantly which has been initiated for encroachment of Plot No.-1527 Area-3'0" in Thana No.-348 situated in the Village-



Masarh, Circle- Udwanthnagar, P.S.-
Udwanthnagar, District- Bhojpur

(ii). For constituting a team of land-surveyors under the observation of Respondent No.-2 (The Collector, Bhojpur at Ara) for measurement of entire Area of Plot No.-1527 in Thana No.-348 and entire Area of Plot No. 1513, 1514, 1024, 1138, 1485, 1510, 1292 all in Khata No.-1361 and Khata No.-1362 all in Thana No.-343 all above situated in the Village Masarh, Circle- Udwanthnagar, P.S.- Udwanthnagar, District- Bhojpur, which has been shown as Public Road in the Survey Record.

(iii). For taking appropriate Administrative Action against Respondent No.-5, 6 and 7 for wrong measurement, for preparing false report and for illegal order of removal on the pretext of encroachment proceeding regarding Plot No.- 1527 in Thana No.-348 situated in the Village- Masarh, Circle- Udwanthnagar, P.S.- Udwanthnagar, District-Bhojpur and also for removing stairs which was constructed by the petitioner in his own ancestral land.”

2. At the outset, the learned counsel for the petitioner submits that only the petitioner has been targeted on account of him raising voice against the corruption prevailing in implementation of the Nal Jal Yojna Scheme and his staircase



has been demolished without giving any notice, however, encroachment made by other persons on the land in question has not been touched, hence, the District Magistrate, Bhojpur at Ara, be directed to enquire into the matter and ensure removal of the encroachment made over Plots No. 1513, 1514, 1024, 1138, 1485, 1510 and 1292 all situated at Khata No. 1361, Thana No. 343, Village-Masarh, P.S.-Udwanthnagar, District-Bhojpur.

3. Per contra, the learned counsel for the Respondent-State submits that in case, public land has been encroached by the alleged encroachers, the same would definitely be removed forthwith, after taking recourse to the due process of law.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to approach the District Magistrate, Bhojpur at Ara, by filing appropriate representation, within a period of two weeks from today and in case such a representation is filed, the District Magistrate, Bhojpur at Ara, shall enquire into the matter and ensure that the encroachment in question is removed by taking recourse to the due process of law as also upon granting due opportunity to the affected persons to put forth their defence, within a period of eight weeks, thereafter.

5. Accordingly, the present writ petition stands disposed off



on the aforesaid terms.

(Mohit Kumar Shah, J)

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