

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4082 of 2022

-
1. Aaditya Alok Son of Nagednra Prasad Singh Resident of Mohalla- Anwarpur Chowk, Post and Police Station- Hajipur, District- Vaishali.
 2. Md. Afzal Rashid Son of Rashid Alam Resident of Mohalla- Anwarpur Chowk, Post and Police Station- Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Circle Officer, Hajipur Vaishali.
4. Vinod Kumar Srivastava Son of Late Tribhuvan Prasad Resident of Mohalla- Anwarpur East, Post and Police Station- Hazipur, Town- Hazipur, Vaishali.
5. Umesh Rai S/o Late Jagannath Rai Resident of Mohalla- Dak Banglow Road, Near Fish Market, P.O. and Police Station- Hazipur, District- Vaishali.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 26-02-2024 Heard the parties.

2. The present application has been filed for initiating a proceeding under the Bihar Public Land Encroachment Act, 1956 with regard to 1 ½ Katha of land.

3. Learned counsel for the petitioner has submitted that since the land was initially registered as Kaiser-e-Hind land, the present owners of the land in question who have purchased the land from the family of Sursand Estate and, there are entries and orders in favour of the Respondent regarding the ownership



of the land and after about 70-80 years, the petitioner cannot be asked to get the settlement deed from the family of the erstwhile Zamindar of Sursand Estate. All the entries are in favour of Respondent No. 4 and his predecessors in interest and the State has also supported the case of the Respondent No. 4.

4. It has been argued by the learned Senior Counsel appearing for the Respondent No. 5 that long standing Jamabandi of the land holder is being doubted.

5. The long standing Jamabandi of the Respondent No. 5 cannot be cancelled and the Respondent No. 5 cannot be declared an absconder.

6. It has also been submitted by the learned counsel for the State that it is a private dispute between the petitioner and Respondent No. 5 for which he is a proxy petitioner. Earlier also, this dispute had come to this Court had dismissed the same in C.W.J.C. No. 10729 of 1999 vide order dated 26.06.2023.

7. Considering the fact that the State has supported the case of the Respondent No. 5 and the Respondent No. 5 has produced the documents in support of his right, title and interest and in view of the long standing jamabandi, I am not inclined to interfere in this matter.

8. This application is dismissed.



9. The interim order dated 30.11.2023 is vacated.

(Sandeep Kumar, J)

Saif/-

U			
---	--	--	--

