

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6281 of 2024

Md. Alimuddin Son of Md. Kantu, resident of Ward No. 3, Biraniyan Tola,
Guna Sameshwar, Bahadurganj, P.S.-Bahadurganj, Kishanganj, District-
Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Kishanganj.
2. The District Magistrate, Kishanganj.
3. The Deputy Collector Land Reforms, District-Kishanganj.
4. The Sub Divisional Officer, Sub Division, Kishanganj.
5. The Circle Officer, Bahadurganj, District-Kishanganj.
6. The Officer In Charge, P.S. Bahadurganj, District-Kishanganj.
7. Sandhya Devi, W/o Late Ram Vikash Sharma, Resident of Village-
Bahadurganj, Main Road Registry Office, Ward No-7, Police Station-
Bahamania, District-Kishanganj.
8. Jitu Sharma, son of Late Ram Vilas Sharma, Resident of Village-
Bahadurganj, Main Road Registry Office, Ward No-7, Police Station-
Bahadurganj, District-Kishanganj.
9. Geeta Sharma, wife of Pappu Sharma, Resident of Village-Bahadurganj,
Main Road Registry Office, Ward No-7, Police Station-Bahadurganj,
District-Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi, Advocate
For the Respondent/s : Standing Counsel (15)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-08-2024 The present writ petition has been filed seeking the
following reliefs:-

*“(i) For issuance of a writ in the nature of mandamus
commanding upon the respondents to follow the direction
of the Hon'ble High Court passed in CWJC No. 6424 of
2020 vide order dated 29.11.221.*

(ii) For issuance of writ in the nature of mandamus



commanding upon the respondent no.3 to execute his own order dated 26.02.2022 passed in Misc. Case No. 02/2021-2022 whereby he has directed the Circle Officer, Bahadurganj and Officer Incharge, Bahadurganj Police Station to execute the order passed in Case No- 35/2013-2014 by the respondent no. 3.

(iii) For issuance of writ in nature of mandamus commanding upon the Respondent No.5 and 6 to get the land in question vacated from respondent no 7 to 9 in light of the order dated 26.02.2022 passed by respondent no. 3 in Misc. Case No. 02/2021-2022 and hand over the possession of the land in question to the petitioner.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, Kishanganj to enforce the orders, passed by the Deputy Director Land Reforms, Kishanganj dated 10.10.2013, in connection with B.L.D.R. Case No.35 of 2013-14, as also the one dated 26.02.2022, passed in Misc. Case No.02/2021-22, whereby and whereunder, the Circle Officer, Kishanganj has been directed to remove the encroachment in question, within a stipulated time frame.

3. The learned counsel for the respondent-State submits that in case the encroachment is still existing and there is no other legal impediment, as also the aforesaid orders have not been annulled by any higher forum/court of law, the



encroachment would definitely be removed, forthwith.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Kishanganj to take recourse to the due process of law and execute the aforesaid orders dated 10.10.2013 and 26.02.2022, passed by the Deputy Collector Land Reforms, Kishanganj in case the said orders have not been annulled by any higher forum/court of law and if there is no other legal impediment, forthwith.

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

(Mohit Kumar Shah, J)

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