

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6288 of 2020

1. Md. Yunus Son of Late Latif Miyan Resident of Village- Gobargadha, Gram Panchayat- Garhgawn, P.O.- Basipati, P.S.- Bheja, District- Madhubani, State- Bihar.
2. Md. Teyab Son of Late Md. Yakub Resident of Village- Gobargadha, Gram Panchayat- Garhgawn, P.O.- Basipati, P.S.- Bheja, District- Madhubani, At present residing at Village- Malhani ward no.-7, Sukhpur Solhani, P.O. and P.S and District- Supaul, State- Bihar- 852130.
3. Md. Abdul Hamid Son of Late Fakir Miyan Resident of Village- Gobargadha, Gram Panchayat- Garhgawn, P.O.- Basipati, P.S.- Bheja, District- Madhubani, At present residing at Kharail Punarwas ward no.-16, P.O. and P.S and District- Supaul, State- Bihar- 852131.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department Govt. of Bihar, Patna.
2. The District Magistrate Supaul.
3. The Chief Engineer Flood Control and Water Release, Water Resources Department, Birpur, Supaul.
4. The Circle Officer Supaul.
5. The Rehabilitation Officer Supaul.
6. Md. Ismail Ansari Son of Late Nasir Ansari Resident of Village- Kharail Punarwas Ward No. -16, P.O. and P.S. and District- Supaul, State- Bihar- 852131.
7. Abdul Jabbar Son of Md. Ismail Ansari Resident of Village- Kharail Punarwas Ward No. -16, P.O. and P.S. and District- Supaul, State- Bihar- 852131.
8. Md. Alam Ansari Son of Md. Ismail Ansari Resident of Village- Kharail Punarwas Ward No. -16, P.O. and P.S. and District- Supaul, State- Bihar- 852131.
9. Md. Ekhlak Ansari Son of Md. Ismail Ansari Resident of Village- Kharail Punarwas Ward No. -16, P.O. and P.S. and District- Supaul, State- Bihar- 852131.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG-4)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-10-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. (I) For issuance of a direction, order or writ, including writ in the nature of



MANDAMUS for directing the respondent authorities, especially the Rehabilitation Officer, Koshi Project, Supaul & the Circle Officer, Supaul to remove the encroachment from the encroached site, especially in view of the letter issued vide Memo No. 1243 dated 24/07/2015 (Annexure- 1), by the Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna whereby and whereunder the Rehabilitation Officer, Koshi Project, Supaul has been directed to remove the encroachment from the land of the Rehabilitation Department, which has been allotted in the name of the petitioner's ancestor;

(II) For issuance of a direction, order or writ including writ in the nature of Mandamus for commanding the concerned respondent authorities of the Rehabilitation Department, especially the respondent nos. 4 & 5 to provide the petitioners with the allotted plots under the said project;

(III) For issuance of a writ in the nature of Mandamus directing the respondent authorities to remove the private respondent nos. 6 to 9 from the land of Rehabilitation Dept., Koshi Project, Supaul, which has been allotted in favour of the petitioner's ancestors, bearing



layout no. 424, area 3 decimals, layout no. 425, area 6 decimals & layout no. 426, area 5 decimals;

(IV) For issuance of an appropriate Writ/Writs, direction / directions commanding the respondent authorities to settle the petitioners over the encroached land, admeasuring 14 decimals, by removing the house constructed by private respondent nos. 6 to 9."

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the respondent authorities for redressal of their aforesaid grievances. Liberty, so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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