

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5921 of 2024

Kanhaiya Pandey Son of Late Prithvi Pandey, Resident of Village-Jigina, P.O.-Akorhi, P.S.-Mohania, District-Kaimur (Bhabua), at present resides at Mohalla-Bhelpura Awas Vikas Complex Jawahar Nagar Colony, Aitha Varanasi Mehmoorganj, Varanasi-221010 (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Kaimur at Bhabua.
2. The Sub Divisional Officer, Mohania, District-Kaimur at Bhabua.
3. The Anchal Adhikari, Mohania, District-Kaimur (Bhabua).
4. Shree Hari Ram son of Late Bideshi Ram, resident of Village-Jigina, P.O.-Akorhi, P.S.-Mohania, District-Kaimur (Bhabua).
5. Shree Musafir Ram, son of Sahdeo Ram, resident of Village-Jigina, P.O.-Akorhi, P.S.-Mohania, District-Kaimur (Bhabua).
6. Kumar Ram, son of Sahdeo Ram, resident of Village-Jigina, P.O.-Akorhi, P.S.-Mohania, District-Kaimur (Bhabua).
7. Guddu Ram, son of Barhu Ram, resident of Village-Jigina, P.O.-Akorhi, P.S.-Mohania, District-Kaimur (Bhabua).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Adv.
For the Respondent/s : Mr. Divit Vinod, AC to SC-26

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-07-2024 The present writ has been filed seeking the following reliefs:-

“1(i). For direction to removal of encroachment on Khata no.93 Plot no.564, 565 which Chak Plot no.274, 286 recorded the land as Anabad Bihar Sarkar in Khatiyani and its nature is Bandha and Tal and after encroached constructed the pucca house by the Respondent no.4 to 7 and in this regard the petitioner has communicated through the several representation and registered post to



respondents in which they have discussed all the details.

(ii). For issuance of writ or writs in the nature of mandamus direction to the Respondent no.3 for taking the action u/s 3 and 6 of the Bihar Land Encroachment Act 1956 in the capacity of Anchal Adhikari to the connected this application holding him encroacher over a public land on a written complaint of the petitioner stating there that the land in issue was a public land.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Respondent No. 3 i.e. the Circle Officer, Mohania, District-Kaimur (Bhabhua), for redressal of his aforesaid grievances. Liberty, so sought, is granted.

3. It is needless to state that in case, appropriate petition is filed, within a period of three weeks from today, under the provisions of the Bihar Public Land Encroachment Act, 1956, before the Respondent No. 3, he shall take appropriate action, in accordance with law and after hearing the affected parties, within a period of six weeks, thereafter.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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