

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7404 of 2024

1. Mukesh Kumar Raut Son of Sri Bharat Prasad Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
2. Pradeep Kumar Sinha @ Pradeep Kumar Singh Son of Late Hari Prasad Sinha, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
3. Devanshu Kumar Sinha Son of Lalit Chandra Sinha, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
4. Bhogendra Pathak Son of Sri Mahendra Pathak, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
5. Ramvilash Thakur Son of Jagdish Thakur, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
6. Bhim Prasad @ Bhim Prasad Mahto Son of Bharat Prasad Mahto, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
7. Gulam Mustafa Kamal @ Mustafa Kamal Son of Late Aganu Sah, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
8. Badruddin Son of Late Islamuddin, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
9. Dilip Kumar Singh @ Dilip Kumar Sinha Son of Late Visheshbar Prasad Singh, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
10. Parisha Ram Son of Gahnu Ram, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
11. Md. Safique Alam @ Safique Khan Son of Late Hazi Mohar Baks, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
12. Lal Bahadur Sah Son of Jagarnath Sah Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
13. Bedanand Pathak Son of Late Hare Krishna Pathak, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
14. Minu Rani Das Wife of Nitai Chandra Das, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
15. Babu Dai Devi Wife of Hare Krishna Pathak Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
16. Shankar Sah Son of Late Ramdayal Sah, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
17. Dilip Kumar Singh Son of Tarapaddo Sinha, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
18. Raisuddin Son of Late Mazahar Ali, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.



19. Amit Kumar Sinha Son of Parmanand Sinha, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
20. Tej Lal Karmkar Son of Late Bangalal Karmkar, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.
21. Md. Alam Khan Son of Late Mohar Baks, Resident of Mohalla- Powakhali (Durga Asthan) P.S. Powakhali, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Kishanganj.
2. The Additional Collector, Kishanganj.
3. The Deputy Collector Land Reform, Kishanganj.
4. The Circle Officer, Thakurganj, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alexander Ashok, Advocate
For the Respondent/s : Mrs. Puspanjali Sharma, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-07-2024 The present writ petition has been filed
seeking the following relief:-

“1. That this writ application is being filed for quashing and setting aside the proceedings initiated under Bihar public Land Encroachment Act vide Record No. 03/2023-24 and notices issued thereupon dated 04/09/23 to petitioners under Bihar Public Land Encroachment Act by respondent Circle Officer, Thakurganj.”

2. At the outset, the learned counsel for the petitioners submits that the vendor of the petitioners had perfected right, title and interest in



the land in question by virtue of a judgment dated 07.05.1964 passed by the Ld. Additional Munsif, Kishanganj, in Title Suit No. 124 of 1961/4 of 1964, which has also been affirmed in Title Appeal No. 197 of 1964 / 19 of 1966, by a judgment dated 20.06.1967 passed by the learned 2nd Additional Subordinate Judge, Purnea, hence the notices issued to the petitioners under Section-3 of the Bihar Public Land Encroachment Act, 1956 is arbitrary and perverse, nonetheless, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections/representation before the Circle Officer, Thakurganj, Kishanganj in connection with Encroachment Case No. 3 of 2003-04. Liberty, so sought, is granted.

3. It is needless to state that the petitioners shall file their objections in the aforesaid encroachment proceedings, before the Circle Officer, Thakurganj, Kishanganj, within a period of four weeks from today, which shall be considered, in accordance with law and the final order shall be



passed by the Circle Officer, Thakurganj, Kishanganj, within a period of four weeks, thereafter and till then no coercive action shall be taken against the petitioners.

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

(Mohit Kumar Shah, J)

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