

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6506 of 2024

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Shashi Kapoor son of Chandeshwar Prasad resident of village- Tufanganj,
P.S.- Rahui, District-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Bihar, Patna
2. The District Magistrate Nalanda at Biharsharif
3. The Superintendent of Police Nalanda at Biharsharif
4. The Additional Collector Nalanda at Biharsharif
5. The Land Reforms Deputy Collector Nalanda at Biharsharif
6. The Sub Divisional Magistrate Nalanda at Biharsharif
7. The Circle Officer Rahui, District at Biharsharif
8. The Station House Officer, Bhaganbigha, Nalanda
9. Sri Subhash Chandra Sinha s/o late Chandeshwar Prasad r/o village- Tufanganj, P.S.-Rahui ,Circle Office- Rahui, District- Nalanda at Biharsharif
10. Kamlesh Kumar son of late Chandeshwar Prasad r/o village- Tufanganj, P.S.-Rahui ,Circle Office- Rahui, District- Nalanda at Biharsharif
11. Dhananjay Prasad son of late Ruplal Prasad r/o village- Tufanganj, P.S.- Rahui ,Circle Office- Rahui, District- Nalanda at Biharsharif

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate
For the Respondent/s : Mr.Addl. Advocate General (4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-07-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents for a direction to remove the encroachment over land of Gairmajarua Aam Rasta bearing Mauja- Imamganj, Thana No. 146 Khata No. 408,



Khesra No. 1355, Nature of land - Gairmajarua Aam Rasta from Respondent Nos. 09 to 11 who have illegally encroached Gairmajarua Aam Rasta and constructed Latrine and building. The Anchal Amin, Rahui on 14.12.2018 submitted his report after measurement that (1) Kamlesh Kumar, son of Chandeshwar Prasad, resident of Village-Tufanganj encroached the Gairmajarua Aam land, North-South-11 feet x East-West-7½ ft. 82 sq.ft. equivalent to 0.0020 decimal, (2) Subhash Chandra Prasad Sinha son of Chandeshwar Prasad, resident of Village-Tufanganj encroached the Gairmajarua land, North-South-6 feet x East- West-10 ft. = 60 sq.ft. equivalent to 0.0014 decimal, and (3) Dhananjay Prasad, son of Late Ruplal Prasad resident of Village-Tufanganj encroached the Aam Gairmajarua land, North-South-10½ feet x East-West-7½ ft. 78 sq.ft. equivalent to 0.0018 decimal, total encroached area 1/2 decimal.

(ii) For issuance of a direction the responsible respondents to comply with order dated 11.01.2020 passed in Encroachment Case No.03/2018-19 passed by the Circle Officer, Rahui and to remove the encroachment over public land which is Gairmajarua Aam Rasta from Respondent Nos. 9 to 11.

(iii) For a direction to the Sub Divisional Magistrate, Biharsharif to make available



Magistrate and Police Forces considering the Letter No.1649 dated 08.09.2023 of the Circle Officer, Rahui, from which illegal encroachment over Gairmajarua Aam land may be removed from encroachers Respondent Nos. 09 to 11.

(iv) For a direction to take suitable legal action against the Circle Officer, Rahui, who deliberately did not take any action properly to remove encroachment over the public land encroached by the Respondent Nos.09 to 11 despite making available police forces and Magistrate by the Sub Divisional Magistrate, Nalanda at Biharsharif and favoured the encroacher Nos. 09 to 11.”

2. At the outset, the learned counsel for the respondent-State submits that the encroachment in question has been removed completely, however, the same is refuted by the learned counsel for the petitioner and he submits that certain portion of the encroachment in question is still remaining to be removed.

3. The learned counsel appearing for the private respondents has raised some grievances, however, he submits that the parties be granted liberty to appear before the District Magistrate, Nalanda at Biharsharif so that the matter can be resolved.

4. Having regard to the facts and circumstances of the



case, I deem it fit and proper to grant liberty to the petitioner and the private respondents to approach the District Magistrate, Nalanda at Bihar Sharif for redressal of their respective grievances, if any.

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

(Mohit Kumar Shah, J)

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