

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9355 of 2014

=====

Ajnaso Devi W/o Sri Ramashary Singh, Resident of village- Pothahi, P.O.-
Basuhar, P.S.- Punpun, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Patna
3. The Deputy Collector, Land reforms Masaurhi, Patna
4. The Sub-divisional Officer, Masaurhi, Patna
5. The Anchal Adhikari, Punpun Anchal, Patna
6. The Circle Inspector, Punpun Anchal, Patna

... .. Respondent/s

=====

with
Miscellaneous Jurisdiction Case No. 4205 of 2013
In
Civil Writ Jurisdiction Case No.17674 of 2010

=====

Dilip Kumar S/O Sri Nawal Kishore Singh Residence Of Village Pothahi,
P.O. Basuhar, P.S. - Punpun, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Patna.
2. Sri N. Sarwan, the Collector, Patna
3. Sri Girdhari Lal, The D.C.K.R. Masaurhi, Patna
4. Sri Chandra Shekhar Prasad Singh, The S.D.O. Masaurhi, Patna
5. Sri Ashok Kumar Gupta, The Anchal Adhikari, Punpun Anchal, District - Patna
6. Ramasharay Yadav S/O Late Murat Yadav Resident Of Village - Pothahi, P.O. Basuhar, P.S. Punpun, District - Patna

... .. Opposite Party/s

=====

Appearance :

(In Civil Writ Jurisdiction Case No. 9355 of 2014)

For the Petitioner/s : Mr.Shiv Kumar, Adv.

For the Respondent/s : Mr.Sunil Kr. Mandal, SC-3
Mr.Bipin Kumar, AC to SC-3

(In Miscellaneous Jurisdiction Case No. 4205 of 2013)

For the Petitioner/s : Mr.Raj Kishore Prasad Singh, Adv.

For the State : Mr.Pramenda Kr. Singh, AC to GA-10

For the Opposite Party/s : Mr.Shyam Kishor Sharma, Adv.



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 26-06-2024 1. Heard the learned counsel for the parties in both the cases.

2. Admittedly, the learned counsel for the parties are in agreement that the land appertaining to Khata No.174, Plot No.399, Thana 42, Mauza Pothahi, Circle-Punpun Anchal, Patna belongs to the aforesaid writ petitioner, in support whereof, the petitioner of the aforesaid writ petition has filed a supplementary affidavit, bringing on record the sale deed pertaining to the said land in question, however the fact remains that encroachment proceedings were initiated qua the husband of the petitioner, leading to passing of an order dated 09.05.2013 and 10.05.2014, by the Circle Officer, Punpun, Patna.

3. The learned counsel, appearing for the State in the aforesaid writ petition has also not been able to show that any notice was issued to the petitioner of the aforesaid writ petition, before declaring her to be an encroacher, inasmuch as no encroachment proceedings were ever initiated against her.

4. In view of the aforesaid the learned counsel, appearing in the aforesaid contempt petition submits that the petitioner be granted liberty to avail such other alternative remedies as are otherwise available under the law, for the



purposes of ensuring that the encroachment in question is removed from the Government land. Liberty so sought is granted. Accordingly, the contempt petition stands disposed off.

5. As far as the aforesaid writ petition is concerned, I deem it fit and proper to dispose off the same with liberty to the Respondent-State to resort to such remedies, as are available under the law, in case the authorities of the respondents are sanguine that the writ petitioner has encroached upon the public/Government land.

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

