

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12555 of 2024

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Kiran Devi Widow of Late Gajadhar Jha, resident of Village Manpaur
(Gaibipur), Block-Benipatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms.
2. The District Magistrate cum Collector, Madhubani.
3. The Deputy Collector of Land Reforms, Madhubani.
4. The Circle Officer, Benipatti, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Kishore Verma, Adv. Mr. Anjani Kumar, Adv. Mr. Abhishek Kumar Srivastava, Adv. Ms. Kumari Shreya, Adv. Mr. Ravi Raj, Adv. Mr. Shreyash Goyal, Adv. Ms. Sweta Raj, Adv.
For the Respondent/s	:	Mr.Addl. Advocate General (5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 24-09-2024

The present writ petition has been filed for quashing the encroachment proceedings, initiated by the Circle Officer, Benipatti, vide Encroachment Case No. 4 of 2024-25 and the notices issued thereunder.

2. Shorn of the unnecessary details, it would suffice to



indicate that even the learned counsel for the Respondent-State has not denied the fact that Jamabandi No. 376 is existing in the name of the deceased husband of the petitioner, appertaining to Khata No. 542, Plot No. 5558/1, situated at Mauza Manpaur, Gaibipur. In fact, the Respondents have also stated in paragraph no. 10 of the counter affidavit filed in the present case that in the C.S. record of right and the corresponding R.S. record of right, Khata No. 618, R.S. Plot No. 7079, area 2 acres 66 decimal, is recorded in the name of Diwakar Jha and others. Thus admittedly the encroachment proceedings are void.

3. At this juncture, the learned counsel for the petitioner submits that the aforesaid encroachment proceeding could not have been initiated during the subsistence of jamabandi in favour of the deceased husband of the petitioner, hence, the same be quashed.

4. I have heard the learned counsel for the parties and perused the materials on record from which it is clear that jamabandi is existing in the name of the deceased husband of the petitioner bearing Jamabandi No. 376, hence, till such time, the same is cancelled, no encroachment proceeding qua the petitioner herein is maintainable, thus, the proceedings of the aforesaid Encroachment Case No. 4 of 2024-25, qua the



petitioner herein are quashed.

5. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.9.2024
Transmission Date	NA

