

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13113 of 2024

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Bijay Kant Choudhary Son of Late Babu Kant Chaudhary, Resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga, Presently residing at Mohalla- 977, Ward no. 12, ICICI Bank, Rajkumarganj, 10 G.M. Road, P.S. Town Thana, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The Collector-cum- District Magistrate, Darbhanga.
5. The Additional Collector, Darbhanga.
6. The Sub- Divisional Officer, Biraul, Dist- Darbhanga.
7. The Circle Officer, Block Kusheshwar Asthan, Dist- Darbhanga.
8. Ashok Mukhiya, Son of Garbhu Mukhiya, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
9. Bindeshwar Sah, Son of Uttam Sah, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
10. Babu Sahab Chaudhary, Son of Mangeshwar Chaudhary, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
11. Shiv Shankar Kamti, Son of Tara Chandra Kanti, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
12. Vijay Mandal, Son of Late Ram Swaroop Mandal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
13. Runa Devi, Wife of Chhedi Paswan, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
14. Radha Devi, Wife of Ranjit Paswan, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
15. Charitra Paswan, Son of Kusheshwar Paswan, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
16. Shyam Chaudhary, Son of Balbhadra Chaudhary, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
17. Surya Narayan Chaudhary, Son of Harivansh Chaudhary, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
18. Ram Sevak Chaupal, Son of Jaddu Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
19. Ramakant Jha, Son of Kamalnath Jha, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
20. Nunu Chaupal, Son of Shiv Lal Chaupal, resident of Village- Hirni, P.S.-



Kusheshwar Asthan, District- Darbhanga.

21. Buchchidai Devi, Wife of Badri Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
22. Laltu Chaupal, Son of Paltan Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
23. Ramchandra Chaupal, Son of Rambilash Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
24. Manoj Chaupal, Son of Mangal Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
25. Sunil Chaupal, Son of Ramswaroop Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
26. Ganga Chaupal, Son of Ramkishun Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
27. Rajaram Chaupal, Son of Jaychan Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
28. Ganga Ram Chaupal, Son of Ramswaroop Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
29. Ashok Kumar Jha, Son of Triloki Kumar Jha, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
30. Arun Kumar Jha, Son of Triloke Kumar Jha, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
31. Radheshyam Chaupal, Son of Sakindra Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
32. Pitambar Chaupal, Son of Yogeshwar Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
33. Bhikhari Chaupal, Son of Mahavir Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
34. Shambhu Chaupal, Son of Baijnath Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
35. Ram Vilash Safi, Son of Anandi Safi, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
36. Siyaram Chaupal, Son of Laddu Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
37. Jivnath Chaudhary, Son of Ram Karan Chaudhary, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
38. Krishna Chaudhary, Son of Rameshwar Chaudhary, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
39. Badri Chaupal, Son of Chattu Chaupal, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
40. Jata Shankar Jha, Son of Late Jaykant Jha, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
41. Bipin Chaudhary, Son of Late Gajendra Chaudhary, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.



42. Raghav Chaudhary, Son of Late Harishchandra Chaudhary, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.
43. Arun Jha, Son of Gannu Jha, resident of Village- Hirni, P.S.- Kusheshwar Asthan, District- Darbhanga.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Adv.
For the Respondent/s : Mr.Ramadhar Singh, GP-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.(i) For issuance of writ/writs, order/orders, direction/directions for removing the encroachment from the public land, situated at Mauza-Hirni, Thana No-233, Khata No-1243 (New), Khesra No-531 (New), Total Rakwa- 3 Acre, 11 decimal, which has been encroached by the respondents 2nd set.

(ii) For issuance of writ/s, order/s, direction/s to the respondent no. 7, to remove the encroachment made by the respondents 2nd set, inasmuch as despite the respondent no. 7 having initiated land encroachment proceeding vide Encroachment Case No-22/2023-24, till date the encroachment has not been removed.

(iii) For issuance of appropriate writ/s, order/s, direction/s to remove the encroachment so that the public at large of village-Hirni, may pass through the road free from hindrances.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Block Kusheshwar



Asthan, District-Darbhanga, to take appropriate action for removal of encroachment in question, in pursuance to the order passed in connection with Encroachment Case No.22 of 2023-24.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Block Kusheshwar Asthan, District-Darbhanga, to ensure that the aforesaid encroachment proceedings are taken to its logical conclusion, within a period of six weeks of receipt/production of a copy of this order, by taking recourse to the due process of law.

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

(Mohit Kumar Shah, J)

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