

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13672 of 2024

1. Md. Mozammil Hassan @ Md. Mozammil, S/o Late Hafiz Amirul Hak, R/o of Village- Nayatoala Shyampur, P.S.-Kuchaykot, District Gopalganj.
2. Mohammad Masum @ Masum Ali, S/o Azimul Haque, R/o Village-Nayatola Shyampur, P.S.-Kuchaykot, District-Gopalganj.
3. Sultan Ahmad, S/o Samiul Haque @ Samsul Haque, R/o Village-Nayatola Shyampur, P.S.-Kuchaykot, District-Gopalganj.
4. Shaukat Ali, S/o Samiul Haque @ Samsul Haque, R/o Village-Nayatola Shyampur, P.S.-Kuchaykot, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additioal Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
3. The Distirct Magistrate, Gopalganj, District-Gopalganj.
4. The Deputy Collector Land Reform, Gopalganj, District-Gopalganj.
5. The Sub-Divisional Officer, Gopalganj, District-Gopalganj.
6. The Executive Engineer, Planning and Development Department, Circle-Chapra, Division-Gopalganj.
7. The Block Development Officer, Kuchaykot, District-Gopalganj.
8. The Circle Officer, Kuchaykot, District-Gopalganj.
9. Mr. Digvijay Kumar Mishra, S/o Chandra Bhan Mishra, R/o at Kateya, Bhringi Chak, P.S.-Kateya, Distirct-Gopalganj, Pin Code-841441.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
		Mr. Mrityunjay Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-09-2024 Heard Mrs. Nivedita Nirvikar, learned Senior

Advocate for the petitioner and Mr. Sanjay Kumar, learned

Advocate for the State.

2. The petitioners invoked the jurisdiction of this



Court under Article 226 of the Constitution of India seeking a direction upon the respondents to restrain them from making any construction work over the land of the petitioners appertaining to Mauza Shyampur Naya Tola, Thana No. 754, Khata No. 44, Khesra No. 1785 situated at Village Shyampur, Panchayat Bakhri, Block Kuchaykot, District Gopalganj.

3. Shorn of irrelevant facts, learned Senior Advocate for the petitioners contended that the land in question was allotted to the petitioner no. 1 and the fathers of the petitioner nos. 2, 3 and 4 vide different certificates issued by the competent authority way back in the year 1981 itself. The copies of the certificate have been placed on record vide Annexure P/1 series to the writ petition.

4. The petitioners and their family members have been coming in the peaceful possession over the land in question for over a period of four decades and the mutation has also been done in favour of the petitioners and they are paying regular rent of the land for which the rent receipts have also been issued by the Government till 2024. Photocopies of orders of LRDC, Gopalganj with respect to fixation of rent as also the rent receipts have been placed on record.

5. Adverting to the aforesaid facts learned Senior



Advocate further contended that while the petitioners were enjoying peaceful possession, in the mean time, a tender notice dated 06.03.2024 is issued by the Planning and Development Department for construction of a stadium at Ramna Maidan. In the process of construction, the respondent authorities without making proper measurement of the land, they encroached upon the land of the petitioners by making certain construction over it. The aforesaid action has been protested by the petitioners and several representations have been filed before all the authorities concerned including the District Magistrate, Gopalganj, to look into the grievance of the petitioners and take appropriate action, but no action has been done, compelling the petitioners to approach before this Court.

6. Considering the nature of the grievance as also the materials available on record, which *prima facie* suggest that the land in question was settled in favour of the fathers of the petitioners/petitioner, way back in the year 1981 and they have been coming in settled peaceful possession after getting proper mutation and fixation of rent, this Court deems it proper to dispose of the writ petition with a direction to the District Magistrate, Gopalganj to look into the grievance of the petitioners, for which the petitioners has already filed a detailed



representation (annexure-P/6), dated 19.07.2024 and after making proper measurement of the land through the Circle Officer, take appropriate action in case it is found that the land of the petitioner has been encroached, either to get it free from the encroachment or to settle them in any other suitable place or to ensure payment of appropriate compensation to the petitioners.

7. The entire exercise must be completed preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

8. The writ petition stands disposed off.

(Harish Kumar, J)

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