

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14578 of 2023

1. Mewalal Rajbanshi Son of Bundel Rajbanshi Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
2. Chhotelal Sharma Son of Shivnarayan Sharma Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
3. Shakunti Devi Wife of Baijnath Saw, Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
4. Binod Singh Son of Sukhalal Singh Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
5. Kishori Singh Son of Sukhlal Singh Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
6. Mahavir Singh Son of Lekha Singh Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
7. Vinod Bhuiya Son of Arjun Bhuiya Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
8. Akal Manjhi @ Akal Bhuiya @ Akal Mushar Son of Madan Manjhi @ Madan Mushar @ Karan Bhuiya Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
9. Karan Manjhi @ Karan Bhuiya Son of Lakhan Manjhi @ Chando @ Vrihaspati Bhuinya Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
10. Dinesh Manjhi Son of Musafir Manjhi Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.
11. Kalyani Devi Wife of Kailash Singh Resident of Village-Hardiya, P.S. and Anchal-Rajouli, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Nawadah.
2. The District Magistrte-Cum-Collector, Nawadah, District-Nawadah.
3. The Superintendent of Police, Nawadah, District-Nawadah.
4. The Executive Engineer, Phulwariya Dam Division, Rajouli, Nawada.
5. The Executive Engineer, Irrigation Division, Rajouli Nawadah District-Nawadah
6. The Rehabilitation Officer, Phulwariya Dam Scheme, Nawada Shivr, Rajouli, District-Nawada
7. The Superintending Engineer, Irrigation Department, Rajouli Division, District-Nawadah.
8. The Circle Officer, Rajouli, District-Nawadah.



9. The SHO, Rajouli Police Station, District-Nawadah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 03-09-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1.(i) For directing and commanding the respondent to quash the letter no. 1191 dated 15.6.23, letter no. 1388 dated 24.6.23, letter no. 1386 dated 24.6.23, letter no. 1164 dated 15.6.23, letter no. 1182 dated 15.6.23, letter no. 978 dated 7.6.23, letter no. 1018 dated 15.6.23, letter no. 1019 dated 15.6.23 (Ann-P/I Series), passed by the respondent no.-5, the Executive Engineer, Irrigation Division, Rajouli Nawadah, District-Nawadah, whereby and whereunder he has given a direction to produce the evidence/necessary documents before the office and show cause as to under what capacity they have encroached the land under Hardiya Rehabilitation Sector A, B, C & D.

(ii) For directing and commanding the respondent not to demolish the house or dispossess them without giving them proper opportunity.

(iii) And also for directing and commanding the respondent to develop the said acquired land i.e. Fulwariya Dam Rehabilitation Scheme as per



scheme given at the time of rehabilitation i.e. 1985.

(iv) And also directing and commanding the respondents to rehabilitate petitioner's family who are living there since 1985.”

2. At the outset, though it is submitted by the learned counsel for the respondents that the petitioners were rehabilitated and given land, as detailed in Annexure-B to the counter affidavit filed in the present case, however, with the passage of time, they have illegally occupied additional pieces of land, however, the same is denied by the learned counsel appearing for the petitioners and it is submitted that measurement and demarcation be carried out in presence of the petitioners and in case it is found that they have occupied additional pieces of land, the respondents shall be free to evict them from the said additional pieces of land, illegally occupied by the encroachers.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the respondents to carry out measurement/demarcation of the land in question within a period of six weeks from today, while granting liberty to the petitioners to make additional submissions with regard to their right, title and interest over the land in question, before the



respondents, which shall be taken into consideration by the respondents before taking any adverse action against the petitioners.

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

(Mohit Kumar Shah, J)

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