

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15014 of 2024

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Baleshwar Yadav son of Rameshwar Yadav resident of Village Kishnipatti,
Ward No.- 5, P.S.- Ghoghardiha, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat Nehru Road Patna, Bihar.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Nehru Road, Patna, Bihar.
3. The Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Nehru Road, Patna, Bihar.
4. The District Magistrate cum - District Collector, Madhubani.
5. The Sub-divisional Officer, Phulparas, District - Madhubani.
6. The D.C.L.R., Phulparas, District - Madhubani.
7. The Executive Officer, Nagar Panchayat, Ghoghardiha, District - Madhubani.
8. The Circle Development Officer, Ghoghardiha, Madhubani.
9. Suresh Prasad Yadav son of Late Ram Bahadur Yadav Resident of Village-Kishnipatti, Ward No. 5, P.S.- Ghoghardiha, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar, Advocate Mr.Rohit Kumar, Advocate Mr.Jitendra Kumar Bharti, Advocate
For the Respondent/s	:	Mr.Sitaram Yadav, GP-16 Mr.Yatindra Narayan, AC to GP-16
For Resp. No.7	:	Mr.Arun Kr. Arun, Advocate Mr.Pawan Kr. Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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| 3 | 30-10-2024 | 1. The present writ petition has been filed for setting aside the notice dated 29.07.2024, issued by the Executive Officer, Nagar Panchayat, Ghoghardiha, Madhubani i.e. the respondent no.7, whereby and whereunder the petitioner has been directed to vacate the encroachment made by him over the |
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land appertaining to Khesra No.2404, situated at Mauza-Devdh, Thana No.171, Ghoghardiha, District-Madhubani.

2. At the outset, the learned counsel for the respondent no.7 seeks to file a counter affidavit, copy whereof has already been filed online. Let the same be kept on record.

3. The admitted facts of the case, which are not being disputed either by the petitioner or the respondents, are that the petitioner is claiming his right, title and possession over the plot bearing Khesra No.2405, 2406, 2407, 3196 and 3197, situated at Mauza-Devdh, Thana No.171, under the Ghoghardiha Anchal, District-Madhubani and it is the case of the petitioner that he has got no concern with the plots bearing Khesra No.2404 and Khesra No.2454.

4. The learned counsel for the respondent no.7 submits that as far as the respondent no.7 is concerned, it is only concerned with the encroachment prevailing over plots bearing Khesra No.2404 and Khesra No.2454, which are recorded in revenue records as 'Rasta' and 'Parti Kadim' respectively.

5. Having regard to the facts and circumstances of the case, this Court finds that since the petitioner has got no concern with plots bearing Khesra No.2404 and 2454, the respondent no.7 shall be at liberty to take such steps as are permissible



under the law for removal of the encroachment in question, inasmuch as the said plots in question have been recorded in the revenue records as Rasta/Parti Kadim, however, as far as plots bearing Khesra No.2405, 2406, 2407, 3196 and 3197 are concerned, since the respondent no.7 is not claiming that any encroachment has been made over the same, the possession of the petitioner over the same, if any, shall not be disturbed without taking recourse to the due process of law.

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

(Mohit Kumar Shah, J)

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