

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15174 of 2024

=====

Yogendra Prasad @ Yogendra Yadav Son of Mohan Prasad Resident of
Village - Rewa , Manrup Bigha, P.O.- Rewan, Anchal and P.S.- Masaurhi,
District- Patna. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary- Cum- Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub. Divisional Officer, Masaurhi, District- Patna.
4. The Deputy Collector, Land Reforms, Masaurhi, District- Patna.
5. The Circle Officer, Masaurhi, District- Patna.
6. Bujhawan Yadav, Son of Shree Ramanand Yadav Resident of Village- Rewan, P.S.- Masaurhi, Anchal- Masaurhi, District- Patna.
7. Hazari Yadav @ Hazari Roy, Son of Shree Madheswar Yadav Resident of Village- Rewan, P.S.- Masaurhi, Anchal- Masaurhi, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ramadhar Shekhar, Adv.
For the Respondent/s	:	Mr.Manoj Kr. Ambastha, SC-26 Mr.Santosh Kr. Mishra, AC to SC-26

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-10-2024 1. At the outset, the learned counsel for the petitioner seeks permission to make certain corrections in paragraph no.1 of the present writ petition. Permission so sought is granted. Let the needful be done during the course of the day.

2. Though the present writ petition has been filed for removal of encroachment made over land, appertaining to Khata No.535, Plot No.804, admeasuring 1.17 decimal, situated at Mauza-Rewan, Thana No.257, District-Patna, which has been found to be a public land and notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, has been issued by



the Circle Officer, Masaurhi, Patna, in connection with Encroachment Case No.3 of 2021-22, however, it is the case of the petitioner that although the encroachers had approached this Court, by filing a writ petition bearing C.W.J.C. No.4288 of 2023 and a co-ordinate Bench of this Court, vide order dated 28.11.2023 has been pleased to dismiss the said writ petition, nonetheless the encroachment in question is not being removed.

3. The learned counsel for the respondent-State submits that in case there is no other legal impediment, the encroachment in question shall definitely be removed, forthwith.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Patna, to ensure execution of the final order passed by the Circle Officer, Masaurhi, Patna, in connection with Encroachment Case No.3 of 2021-22, by taking recourse to the due process of law, in case there is no other legal impediment and remove the encroachment in question, forthwith.

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

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

