

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14446 of 2023

Rakesh Khanna alias Rakesh Kumar Khatri Son of Ramdeo Lal Khatri,
resident of village - Haspura, P.O. and P.S. - Haspura, District - Aurangabad
(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Circle Officer, Haspura, District - Aurangabad.
4. Haridwar Narayan, son of Ram Chandra Prasad Thathera, resident of village- Haspura, P.O. - Haspura, P.S.- Haspura, District Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC- 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-07-2024 The present writ petition has been filed
seeking the following relief:-

"1. That in the present Writ Application the petitioner seeks a direction to the Circle Officer, Haspura, Aurangabad (Respondent No. 3) to implement the order dated 22.07.2023 passed in Encroachment Appeal No. 82/2022 by the Appellate Authority cum District Magistrate, Aurangabad and to remove encroachment of the Public land bearing Mauza Haspura, Thana No. 30 Khata No. 138, Khesra No. 1144 area 214 sqm. (0.0% decimal) & Khesra No. 1142 Area 645 sqm. (0.015 decimal), Khata No. 138, Khesra No. 1134 (Gair Majarua Malik Land) area 1344 sqm. (0.0308 decimal) (Total area 012 decimal) for Gram Kachahari etc. from the private respondent who



has still illegally encroached the said land despite vide order dated 25.04.2022 passed in Encroachment Case No. 04/2021-22 by the Circle Officer declared as illegal encroachment of the said land and vide order dated 22.07.2023 passed in Encroachment Appeal No. 82/2022 by the Appellate Authority cum District Magistrate, Aurangabad has also affirmed the order of the Circle Officer and the said illegal encroachment of the land in question causing immense difficulties to the Villagers to the extent of obstruction of regular passage and difficulties in utilizing the public land by all the member of public and the Petitioner also prays for a direction to the Respondent authority to lodge the criminal case against the encroachers/trespassers who has illegally encroached the public land in question as the Hon'ble Court already settled the law that it is responsibility of the government authorities to ensure that illegal encroachment of public land are not taken casually and criminal law is promptly set in motion to remove the illegal encroachment as the illegal encroachment of public land is the crime against society."

2. At the outset, the learned counsel for the



petitioner seeks liberty on behalf of the petitioner to approach the District Magistrate, Aurangabad for enforcement of the order dated 22.07.2023 passed in Encroachment Appeal No. 82 of 2022 as also the original order dated 25.04.2022 passed by the Circle Officer, Haspura, District-Aurangabad in Encroachment Case No. 4 of 2021-22. Liberty, so sought, is granted.

3. It is needless to state that in case there is no other legal impediment and the aforesaid orders have not been annulled by any higher forum or court of law and no order of injunction exists in favour of the private respondent no. 4 in the ongoing suit bearing Title Suit No. 360 of 2023, pending before the learned Court of Sub-Judge-VI, Aurangabad, the District Magistrate, Aurangabad shall ensure that the aforesaid orders are enforced, forthwith, in accordance with law.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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