

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15472 of 2024

=====

Ram Bhajan Yadav @ Ram Bhajan Kumar Singh Son of Dwarika Singh,
Resident of village- Khorikhap, P.O.- Sihuli Dargah, P.S.- Bandeya, District-
Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Additional Collector, Aurangabad.
4. The Circle Officer, Goh Circle, District- Aurangabad.
5. The Revenue Karamchari, Circle- Goh, District- Aurangabad.
6. Ram Krishna Singh Yadav, son of Ram Barat Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
7. Subalal Yadav, son of Late Ram Brichh Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
8. Mahesh Yadav, son of Late Ram Prasad Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
9. Sanjay Yadav, son of Late Ram Prasad Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
10. Dhananjay Yadav, son of Devendra Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
11. Awadhesh Yadav, son of Late Bhuletan Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
12. Bhim Yadav, son of Bigan Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
13. Birenda Yadav, son of Late Meghnath Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
14. Sheo Ratan Paswan, son of Late Mithu Paswan Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
15. Janeshwar Yadav, son of Late Ramgati Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.
16. Indrajit Yadav, son of Late Suryadeo Yadav Resident of village- Khorikhap, P.O. and P.S.- Bandeya, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mrs.Alka Panday, Advocate
For the Respondent/s : Mr.Government Pleader (27)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

2 07-10-2024 The present writ petition has been filed for directing the District Magistrate, Aurangabad to ensure removal of encroachment made over *gairmajarua aam* land appertaining to Thana No. 172, Khata No. 76, Khesra No. 191, 162, 192 and 214, admeasuring 3.66 acres, situated at Mauja-Khorikhap, Circle-Goh, which is recorded in the Revenue Record as *gairmajarua aam* land.

2. At the outset, the learned counsel for the petitioner submits that the Circle Officer, Goh, District-Aurangabad has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No. 04 of 2022-23 and thereafter, the appeal filed by the encroachers, bearing Encroachment Appeal Case No. 91 of 2023, has also stood dismissed by an order dated 18.01.2024, passed by the learned Court of District Magistrate-cum-Collector, Aurangabad, hence the District Magistrate, Aurangabad be directed to remove the encroachment in question.

3. *Per contra*, 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, Aurangabad to enforce his own order dated 18.01.2024, passed in Encroachment Appeal Case No. 91 of 2023 and ensure removal of encroachment forthwith, by taking recourse to the due process of law, in case there is no other legal impediment and in case his own order dated 18.01.2024 has not been annulled by any higher forum/Court of law.
5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

