

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16844 of 2023

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Balram Kumar Son of Shiv Shankar Ram, Resident of Village-Nasratpur
Maur, P.S. Barbigha, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The Collector cum District Magistrate, Sheikhpura.
3. The Additional District Magistrate, Sheikhpura.
4. The Sub-Divisional Officer, Sheikhpura.
5. The Circle Officer, Barbigha.
6. Anil Yadav, Son of Shivu Yadav, Resident of Village-Nasratpur, P.S. Barbigha, District-Sheikhpura.
7. Shivalak Ram, Son of Dwarik Ram, Resident of Village-Nasratpur, P.S. Barbigha, District-Sheikhpura.
8. Brijnandan Ram, son of Chulhay Ram, Resident of Village-Nasratpur, P.S. Barbigha, District-Sheikhpura.
9. Sadhu Ram, son of Late Narayan Ram, Resident of Village-Nasratpur, P.S. Barbigha, District-Sheikhpura.
10. Rajendra Ram, son of Late Rameshwar Ram, Resident of Village-Nasratpur, P.S. Barbigha, District-Sheikhpura.
11. Munna Yadav, son of late Brahamdeo Yadav, Resident of Village-Nasratpur, P.S. Barbigha, District-Sheikhpura.
12. Sitaram Yadav, son of Late Shri Yadav, Resident of Village-Nasratpur, P.S. Barbigha, District-Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-08-2024 The present writ petition has been filed seeking the
following relief:-

*“1(i). A writ in the nature of certiorari setting aside the
impugned order dated 27.03.2023 passed by District-*



Magistrate Sheikhpura in Appeal Case No.35/2023 and remove the encroachment made by the respondent no.6 to 12 and three others over the land appertaining to Khata No. 133, Kheshra No. 1090, admeasuring 90 decimals, which is Gairmajarua AAM RASTA, situated at village Nasratpur, P.S. Barbigaha, District- Sheikhpura and is being used as public road by the people of locality.

ii. During pendency of this writ petition, the Respondents no. 6 to 12 and three others may be restrained from making boundary wall.”

2. At the outset, the learned counsel for the petitioner submits that though the encroachers have filed Title Suit No.183/2022, which is pending before the Sub-Judge-I, Sheikhpura, however the learned Trial Court has not granted any injunction in favour of them, hence the order dated 27.03.2023, passed by the Collector, Sheikhpura in Appeal Case No.35 of 2023 requires reconsideration.

3. The learned counsel for the respondent-State submits that if that be the case, the District Magistrate, Sheikhpura would definitely enquire into the matter and take appropriate action, by taking recourse to the due process of law, in case no injunction has been granted in favour of the encroachers in the aforesaid pending Title Suit No.183 of 2022. It is directed, accordingly.



4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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