

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17195 of 2024

Niraj Kumar Mandal Son of Late Ananadi Mandal Resident of Village-
Chandrapur, P.S.- Sajaur, District- Bhagalpur, Pin-812006.

... .. Petitioner/s

Versus

1. The State of Bihar, through Additional Chief Secretary, Revenue Department, Government of Bihar, Patna.
2. The Chief Additional Secretary, Revenue Department, Government of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. The Deputy Collector Land Reforms, Bhagalpur.
6. The Circle Officer, Shahkund, Bhagalpur.
7. The Station House Officer, Sajaur, Bhagalpur.
8. Dayanand Sharma Son of Panchu Sharma Village Chandrapur, P.S.- Dajaur, District- Bhagalpur, Pin- 812006.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Ranjan
For the Respondent/s : Mr.Government Advocate 13

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 13-11-2024

In the instant petition, petitioner has prayed for
the following relief(s):-

*(i) For issuance of a
direction upon the respondent
authorities to remove the
Encroachment from the Land of
petitioner bearing Thana No. 332,
Khata No. 385, Khesra No. 1178, Area
25 decimal situated in Mauza
Chandarpur,, Circle Shahkund,
District - Bhagalpur on which private
respondent No. 8 namely Dayanand
Sharma has encroached by making*



hut and blocking way to petitioner's Land.

(ii) For issuance of a direction upon the respondent authorities to grant peaceful possession on the land of the petitioner bearing Thana No. 332, Khata No. 385, Khesra No. 1178, Area 25 decimal situated in Mauza - Chandarpur,, Circle - Shahkund, District - Bhagalpur, which was acquired from the Ex-Land Lord through Settlement with the ancestors of the petitioner and later on the father of petitioner has been taken right and tittle vide order dated 13/05/2007 passed by the Learned Court of Sub-Judge-IV, Bhagalpur in Tittle Suit No. 390 of 2007.

(iii) For quashing the order dated 03/04/2024 passed by the Sub-Divisional Public Grievance Redressal Officer, Bhagalpur Sadar, Bhagalpur by which it is directed to the petitioner can be filed an application for his grievance before the Deputy Collector Lands Reforms, Bhagalpur.

(iv) For any other relief/reliefs, which the Hon'ble Court may be grant to the petitioner in the interest of justice.

2. Learned counsel for the petitioner submits that the land bearing Thana No. 332, Khata No. 385, Khesra No. 1178, Area 25 decimal situated in Mauza - Chandarpur, Circle – Shahkund, District – Bhagalpur belongs to the petitioner and



private respondent No. 8 namely Dayanand Sharma has encroached the said land in question. He further submits that father of the petitioner has filed Title Suit No. 390 of 2007 for declaration of right and title of the land in question before the learned court of Sub-Judge, Bhagalpur, which has been allowed in favour of the father of the petitioner by order dated 13.05.2011 but the said land has been encroached by the private respondent no. 8. He further submits that petitioner approached the Sub-Divisional Public Grievance Redressal Officer, Bhagarpur Sadar, Bhagalpur, as mentioned in Annexure 6 to the writ petition, where the concerned authority has passed certain direction that the encroachment proceedings is beyond the jurisdiction of the said authority and he may approach the competent authority for removal of encroachment and it was advised to approach DCLR under BLDR Act, 2009.

3. Learned counsel for the State submits that from the perusal of Annexure 6 to the writ petition, it transpires that certain direction has already been given by Sub-Divisional Public Grievance Redressal Officer, Bhagarpur Sadar, Bhagalpur but the same has not been availed by the petitioner. He further submits that petitioner has not approached any competent forum against the order of Sub-Divisional Public



Grievance Redressal Officer, Bhagarpur Sadar, Bhagalpur.

4. In the light of the aforesaid facts and circumstances of the case as well as the arguments advanced on behalf of the parties, the present writ stands disposed of as not maintainable with liberty to the petitioner to approach competent forum/authority within six weeks from the date of receipt of this order. If petitioner represents before the competent forum within the stipulated period, the competent authority/forum may pass order expeditiously after giving due opportunity to the concerned parties, preferably, within six months from the date of receipt of this order.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.11.2024.
Transmission Date	N/A

