

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17110 of 2023

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Paspati Sah @ Pashupati Sah @ Ghuntun Sah S/o Sri Lakshmi Sah, R/o Vill
and P.O. and P.S.-Manjhagarh, Distt-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms,
Patna, Bihar.
2. The Collector cum District Magistrate, Gopalganj.
3. The Additional Collector, Gopalganj.
4. The Deputy Collector Land Reforms, Gopalganj.
5. The Circle Officer, Manjha, District-Gopalganj.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 16778 of 2022

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Shesh Nath Prasad Son of Late Binda Prasad Resident of Village- Quarter
No.- 2100, Sector- 9/D, A-Road, P.O.- Sector No.- 9, Bokaro Steel City, P.S.-
Bokaro, District- Bokaro (Jharkhand). At Present Resident of Village-
Manjhagarh, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land
Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The Collector-cum-District Magistrate, Gopalganj.
4. The Sub Divisional Officer, Gopalganj.
5. The District Engineer, Zila Parishad, Gopalganj.
6. The Circle Officer, Manjhagarh, Gopalganj.
7. Pashupati Prasad @ Tuntun Sah, Son of Laxmi Sah Resident of Village-
Manjhagarh, P.S.- Manjhagarh, District- Gopalganj.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 17110 of 2023)

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate

For the Respondent/s : Mr.Rishi Raj Sinha (SC- 19)

Mr. Atul Shankar, AC to SC-19

(In Civil Writ Jurisdiction Case No. 16778 of 2022)

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate



For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)
Mr. Ebadur Rahman Shakeb, AC to AAG-12
For the Zila Parishad, Gopalganj: Mr. Ranjeet Kuamr Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-08-2024 As far as the first case i.e. CWJC No.17110 of 2023 is concerned, the same has been filed for quashing the encroachment proceedings in question initiated by the Circle Officer, Manjhagarh, District-Gopalganj i.e. Encroachment Case No. 8 of 2021-22, whereas the second writ petition i.e. CWJC No. 16778 of 2022 has been filed for removal of encroachment made by the encroachers over the land appertaining to Khata No. 1029, Khesra No. 3680, Thana No. 184, Circle-Manjhagarh, District-Gopalganj.

2. The learned counsel for the petitioner of the first case submits that earlier also twice encroachment proceedings were initiated but had been dropped, inasmuch as the land of the petitioner appertains to Khata No. 845, Khesra No. 3698, right, title, interest and possession whereof has been perfected by virtue of the judgment dated 04.10.2004, passed by the learned Court of



Sub-Judge-V, Gopalganj in Title Suit No. 24 of 1999, whereby and whereunder, the Ld. Trial Court has declared that the house of the petitioner is standing over R.S. Plot No. 3698 under Khata No. 845 and the same is not standing over Plot No. 3680 or 3665. It is also submitted that in the said case, the respondents-State were also defendants, hence it is prayed that the respondents be restrained from disturbing the possession of the petitioner over the land appertaining to Khata No. 845, Khesra No. 3698.

3. As far as the learned counsel for the petitioner of the second case is concerned, it is submitted that he is concerned with removal of encroachment made over land appertaining to Khata No. 1029, Khesra No. 3680 as also upon the land situated outside the boundary of Khata No. 845, Khesra No. 3698.

4. *Per contra*, the learned counsel for the respondents-State as also the learned counsel appearing for the Zila Parishad, Gopalganj unanimously submit that they are not taking any



action for removal of encroachment as far as Khata No. 845, Khesra No. 3698 is concerned, in view of the fact that the same is private raiyati land of the petitioner of the first case, however, they have issued notices for removal of encroachment only in connection with public land appertaining to Khata No. 1029, Khesra No. 3680 and not Khata No. 845, Khesra No. 3698 and the said proceedings shall be concluded within a period of six weeks from today, in accordance with law and after hearing the affected parties.

5. Accordingly, the aforesaid two writ petitions stand disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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