

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18491 of 2023

1. Tarkeshwar Jha Son of Late Sargun Jha, resident of Village-Gosaindasapur, P.O.-Champanagar, P.S.-Nathnagar, District-Bhagalpur
2. Malay Kumar Son of Ram Swarup Prasad, resident of Village-Gosaindasapur, Ward No. 03, P.O.-Champanagar, P.S.-Nathnagar, District-Bhagalpur
3. Devendra Jha Son of Late Shyam Sundar Jha Resident of Village-Gosaindasapur, P.O.-Champanagar, P.S.-Nathnagar, District-Bhagalpur, Presently residing at Krishna Puri, Near Kali Mandir, Manai Tand, District-Dhanbad (Jharkhand).
4. Prabhakar Jha Son of Late Jagdish Jha Resident of Village-Gosaindasapur, P.O.-Champanagar, P.S.-Nathnagar, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Bhagalpur, District-Bhagalpur.
3. The Deputy Collector, Land Reforms, Nathnagar, District-Bhagalpur.
4. The Sub-Divisional Officer-Cum-District Public Grievance Redressal Officer, Sadar, District-Bhagalpur.
5. The Circle Officer, Nathnagar, District-Bhagalpur.
6. Om Pratap Malviya Son of Late Uday Shankar Malviya Resident of Village-Gosaindasapur, P.S. and Block-Nathnagar, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Manoj Kr. Ambastha (Sc26)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-06-2024 The present writ petition has been filed seeking the following reliefs:-

“i) For setting aside the order dated 26/07/2023 passed by Respondent Circle Officer, Nathnagar, District-Bhagalpur in Encroachment Case No. 05/2023-24, by which the Respondent Circle Officer directed the



petitioners and others to remove the illegal encroachment from the land of Mauza- Gosaindaspur, Thana No.7, Anchal- Nathnagar, District- Bhagalpur, appertaining to Khata No. 672, Khesra No. 451, Area 2 acre 14 decimals which is government Gair Mazarua land and has illegally been encroached by the petitioners and others, only on a frivolous complaint filed by one Om Pratap Malviya (Respondent No.6) before the District Public Grievance Redressal Officer, Nathnagar and that too without conducting any physical/spot enquiry of the alleged land upon which the petitioners and others are residing since long i.e., since 1930 as the original landlord i.e., the Zamindar Taraknath Ghosh has gifted the land in question to the ancestors of petitioners for their residing over the land in question which was initially in the shape of Tapu Diyara at the bank of River Ganga, but now more than 39 families including petitioners are residing there after constructing their houses.

ii. For commanding and directing the Respondents not to disturb the physical possession of the petitioners over the land of the petitioners in the name of alleged encroachment that too without conducting any spot/physical measurement upon which the petitioners and others are residing since the lifetime of their ancestors after constructing their houses which were given/gifted by the then landlord Zamindar Taraknath Ghosh in the year 1930.”

2. At the outset, the learned counsel for the



petitioners seeks liberty on behalf of the petitioners to challenge the order dated 26.07.2023, passed by the Circle Officer, Nathnagar, District-Bhagalpur in connection with Encroachment Case No.05 of 2023-24, by filing appropriate appeal. Liberty so sought is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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