

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18944 of 2024

Rajesh Kumar Son of- Pavitra Mahto, Resident of Ward No.5, Village- Basahi, Post Office- Basahi, Police Station- Cheriya Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Land and Revenue Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Additional Chief Secretary Panchayat Raj Department, Government of Bihar, Patna.
5. The Divisional Commissioner, Munger Division.
6. The District Magistrate cum District Collector, Begusarai.
7. Additional District Magistrate cum Additional District Collector, Begusarai.
8. The Deputy Development Commissioner, Begusarai.
9. District Panchayati Raj Officer, Begusarai.
10. The Executive Engineer, Building Construction Department, Building Division, Begusarai.
11. The Sub Divisional Magistrate, Manjhaul, District- Begusarai.
12. The Land Reform Deputy Collector, Manjhaul, District- Begusarai.
13. The Circle Officer, Cheriya-Bariyarpur, District- Begusarai.
14. The Block Development Officer, Cheriya Bariyarpur, District- Begusarai.
15. The Block Panchayati Raj Officer, Cheriya Bariyarpur District- Begusarai.
16. The Panchayat Secretary, Gram Panchayat Raj Basahi, Block cum Police Station- Cheriya Bariyarpur, District- Begusarai.
17. The Mukhiya, namely, Niranjan Kumar Nirala, Son of Sant Lal Paswan, Gram- Panchayat Raj Basahi, Block cum Police Station- Cheriya Bariyarpur, District- Begusarai.
18. Dinesh Mahto Son of Sant Lal Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
19. Ram Lagan Yadav Son of Ram Balak Yadav, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.



20. Ram Babu Pandit Son of Madhav Pandit, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
21. Jayjay Ram Mahto Son of Sukhdev Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
22. Ram Udgar Das Son of Mahavir Das, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
23. Bishnudev Mahto Son of Dorik Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
24. Raj Kumar Mahto Son of Ramchandra Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
25. Binod Mahto Son of Ramotar Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
26. Shankar Sahni Son of Raja Ram Sahni, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
27. Rambali Mahto Son of Krishan Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
28. Jagdish Mahto Son of Prabhu Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
29. Ramashish Mahto Son of Dorik Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
30. Shivchandra Mahto Son of Narayan Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
31. Vijay Mahto Son of Ram Prakash Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
32. Arvind Kumar Mahto Son of Ram Vilas Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
33. Ram Dayal Kevat Son of Jaijai Ram Kevat, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.



34. Shashi Rai Son of Bashudev Rai, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
35. Ram Pravesh Mahto Son of Parmanand Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
36. Kundan Mahto Son of Rameshwar Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
37. Sanjit Verma Son of Ramotar Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
38. Jagannath Paswan Son of Rashikh Lal Paswan, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
39. Sunil Paswan Son of Rashikh Lal Paswan, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
40. Raushan Kumar Paswan Son of Vyas Paswan, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
41. Bindu Rai Son of Rajendra Rai, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
42. Ram Babu Rai Son of Sita Ram Rai, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
43. Shibu Sahni Son of Jagdish Sahni, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
44. Rajendra Sahni Son of Ramotar Sahni, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
45. Daluru Sahni Son of Baijnath Sahni, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
46. Shivnandan Rai Son of Ram Kishun Rai, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
47. Ram Balak Rai Son of Saraswati Rai, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
48. Rashikhdev Rai Son of Saraswati Rai, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.



49. Amir Sahni Son of Ram Bahadur Sahni, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
50. Pramod Chaudhary Son of Ram Sagar Chaudhary, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
51. Seema Devi Wife of Sri Ram Sahni, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
52. Ashok Kumar Mahto Son of Shankar Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
53. Praveen Kumar Son of Shankar Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.
54. Sanjeev Kumar Son of Shankar Mahto, Resident of Village- Basahi, Post Office- Basahi, Police Station and Block- Cheriya-Bariyarpur, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Advocate
For the State : Addl. Advocate General (12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-12-2024 The present writ petition has been filed seeking the following reliefs:-

“1 (i) To restrain the respondent authorities from demolishing the dwelling house of the petitioner, which is situated over the land bearing Khata No.273, Khesra/Plot No.618, Area 2 Kaththa 10 Dhur, situated at Mauja-Mohammed Rajapur (Basahi), Circle-Cheriya Bariyarpur, Sub Division-Manjhaul, District-Begusarai as no notice has ever been served upon the petitioner for eviction from the land in question and further neither any order has been passed in any encroachment case nor by



any court of competent jurisdiction.

(ii) For a direction to the respondent authorities not to disturb the petitioner from his peaceful possession over the land in question, as the petitioner has constructed his dwelling house after purchasing the said land through a registered sale deed bearing Sale Deed No.5188 dated 05-12-2012 from Ram Prakash Yadav and Jaikant Yadav, Son of Shyam Bihari Yadav, resident of Village-Basahi, Police Station-Cheriya Bariyarpur, District-Begusarai.

(iii) For restraining the respondent authorities from constructing Basahi Gram Panchayat Raj Sarkar Bhavan over the land of the petitioner, as the respondent authorities have started digging soil behind the house of petitioner and upon the land belonging to the respondent Nos.52 to 54, regarding which a title appeal is pending before the learned Court of Additional District and Session Judge, Manjhaul, District-Begusarai, bearing Title Appeal No.41 of 2011, as such title of the said land is in dispute.

(iv) To restrain the respondent authorities from construction of Basahi Gram Panchayat Sarkar Bhavan upon the land bearing Khata No.273, Khesra/Plot No.618, Area 2 kaththa 10 dhur, as respondent authorities, without issuance of any notice to the Petitioner have orally threatened to demolish his dwelling house by use of Bulldozer (JCB) by labelling the land in question to be a Gair Manjarua Khas land.”

2. At the outset, the learned counsel for the petitioner



seeks liberty on behalf of the petitioner to file his reply/objection to the notice dated 08.10.2022, issued by the Circle Officer, Cheriya, Bariyarpur, District-Beugsarai, however submits that till the final order is passed, some protection be granted to the petitioner.

3. *Per contra*, the learned counsel for the respondent-State submits that in case any objection is filed by the petitioner, the same would definitely be considered by the Circle Officer, Cheriya Bariyarpur, i.e. the respondent no.13 and the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) would be passed forthwith.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file his reply/objection to the aforesaid notice dated 08.10.2022 before the respondent no.13, within a period of two weeks from today, whereupon the respondent no.13 shall consider the same, in accordance with law, and pass the final order under Section 6(1) of the Act, 1956 within a period of four weeks, thereafter and till then no coercive action shall be taken against the petitioner.

5. It is needless to state that in case no



reply/objection is filed by the petitioner within a period of two weeks from today, the respondent no.13 shall, nonetheless proceed to pass the final order, *ex parte*.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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