

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 969 of 2024

Dr Phulo Paswan S/o Late Kheyali Paswan, resident of Village Makiya, P.O. Bishanpur, P.S.- Benipatti, District - Madhubani, at present Madhwi Kunj, Mohalla - Alka Colony, Sandalpur, P.O. Mahendru, P.S. - Bahadurpur, District - Patna, Pin Code - 800006.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The Director, Rural Development Department, Govt. of Bihar, Patna.
4. The Commissioner, MGNREGA, Rural Development Department, Govt. of Bihar, Patna.
5. The District Magistrate, Madhubani.
6. The Deputy Collector cum Land Reforms Officer, Benipatti, Madhubani.
7. The Sub-Divisional Magistrate, Benipatti, Madhubani.
8. The Circle Officer, Benipatti Block, Madhubani.
9. The Block Development Officer, Benipatti Block, Madhubani.
10. The Programme Officer MGNREGA, Benipatti Block, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Shashank Shekhar, Advocate
For the Respondent/s : Mr Hitesh Suman, AC to SC XIII

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 25-04-2024 Heard Mr Shashank Shekhar, learned counsel for the
petitioner and the State.

2 This writ petition has been filed for the following
relief (s):

*“(a) For issuance of direction to the
respondent authorities to either remove the
illegal encroachment of the private land of the
petitioner [Khata No 25 (old) 461 (new) & 10,
334, 374, 111, Tauzi No 2255, Thana No 118,*



Jamabandi No 53, 336 & 337 & Khata No 10 (old) 461 (new), Khesra 418 (old) 1153 (new), Tauzi No 2269, Thana No 118, Jamabandi No 53 Part-1] or give and grant compensation in accordance with law for forcefully constructing the road [Area 1040 square feet] under “MGNREGA” scheme without any consent and information of the petitioner.

(b) For issuance of direction to the respondent authorities to give and grant the compensation/damage for the construction of the road which resulted in the spoiling of all standing crops over the land in question under the connivance of the anti social person.

(c) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3 Learned counsel for the petitioner submits that the petitioner, who is having peaceful possession of the land bearing registered sale deed No 457, Book No 1, Volume No 6, Pages from 306 to 312 (land description Khata No 25 (old), 461 (new) & 10, 334, 374, 111, Tauzi No 2255, Thana No 118, Jamabandi No 53, 336 & 337 total area seven (7) katha six (6) Dhur and Khata No 10 (old), 461 (new) Khesra 418 (old), 1153 (new), Tauzi No 2269, Thana No 118, Jamabandi No 53 Part 1, Area : Four (4) Katha Two (2) Dhur, Mauza : Makhia, PS + Anchal : Benipatti through registered sale deed No 3752 in Book No 1, Volume No 51 on pages from 462 to 469 but has been regularly



encroached by the State respondents. A legal notice was sent to all the officials (Annexure (P) 4 to the writ petition but as no steps were taken by the respondents, the writ petition.

4 Learned State Counsel submits that the kind of prayer that the petitioner has made, it would suffice that the District Magistrate, Madhubani takes a decision in the matter.

5 In that background, this Court disposes of the writ petition with direction to the petitioner to file a proper representation along with all the relevant documents before Respondent No 5, the District Magistrate, Madhubani within four weeks from today.

6 If such representation is preferred, Respondent No 5, the District Magistrate, Madhubani shall be duty bound to pass an appropriate/reasoned order within a period of six months thereafter.

7 Writ petition stands disposed of.

(Rajiv Roy, J)

M.E.H./-

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