

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18189 of 2018**

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Upendra Narayan Das S/o Awadh Narayan Das, Resident of Village-Deep West, P.O.-Deep, P.S.-Madhepur, District-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. The Collector Cum District Magistrate, Madhuabani.
4. The Additional Collector, Madhubani.
5. The Sub Divisional Officer, Jhanjharpur, Madhubani.
6. The Deputy Collector, Land Reforms, Jhanjharpur, Madhubani.
7. The Circle Officer, Lakhnaur, Madhubani.
8. The Officer in Charge, Madhepur, Madhubani.
9. Saryug Prasad Sah, S/o Late Bishun Lal Sah
10. Baijnath Kamat, S/o Late Subodh Kamat.
11. Dil Mohammad Mansoori, S/o Safique Mansoori All 9 to 11 Resident of Village-and P.O.-Deep, P.S.-Madhepur, District-Madhubani.
12. Jai Prakash Chaudhary S/o Pachkauri Chaudhary

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ratnakar Jha, Advocate  
For the Respondent/s : Mr.Viveka Nand Singh, GP-18

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      22-09-2025                      Heard Mr. Ratnakar Jha, learned counsel for the  
  
petitioner and Mr. Viveka Nand Singh, learned G.P.-18

2. The present petition has been preferred for the  
following relief/s:

*(i) to remove the encroachment from the land  
of the petitioner measuring 0.4 dec.  
appertaining to Khata No. 955, Khesara No.*



*851 situated in mauza Deep within Madhepur P.S. of Madhubani District duly settled to him by the competent Authority on the ground of having the petitioner landless and member of schedule caste;*

*(ii) to direct the respondents to remove encroachment from the aforesaid land as such thatched house has been constructed therein by the private respondents who are running wine shop, tea shop and selling Ganja etc;*

*(iii) to direct the respondents to affect the delivery of possession in favor of the petitioner with respect to aforesaid land which has been settled by competent authority and petitioner is paying rent to the State of Bihar;*

*(iv) to direct the respondent No. 2 to initiate disciplinary proceedings against respondent No. 7 and 8 who are held not responsible for removal of encroachment despite order passed by the respondent No. 3 and 4;*



*(v) to direct the respondent No. 2 to also enquire into the matter as to how the Respondent No. 7 is entitled to open settlement case No. 5/12-13 with respect to same land which was already settled to the petitioner in the year, 2002;*

*(vi) to any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.*

3. Counter affidavit has come on behalf of the Circle Officer, Lakhnaur, Madhubani and para-8 read as follows:

*8. That it is, respectfully, submitted that the authority concerned C.O., Lakhnaur called for the report from K.C. and Anchal Amin with respect to the land and the Anchal Amin measured the land and found the petitioner is in possession of the land area measuring 07 decimal (36 dhoor) as such no any encroachment was made by any person.*



4. There is no rejoinder to the said counter affidavit.

5. This Court is convinced that presently, there is no encroachment.

6. If any fresh cause arose, the petitioner always has liberty to approach the appropriate authority/Court for the redressal of the grievance.

7. The writ petition is disposed of with the afore said observation.

**(Rajiv Roy, J)**

Ravi/-

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