

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16344 of 2016

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Munna Son of Bhola Yadav R/O Village- Saksohra, P.S.- Saksohra, District- Patna. Working and filing this present case as a Social Worker of the village- Saksohra as well as the locality.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development, Government of Bihar, Patna.
3. The Collector, Patna.
4. The S.D.O., Barh, Patna.
5. The C.O. Belchi Prakhand, District- Patna.
6. Sri Deo Kumar Prasad S/o-, The Headmaster of Mahanth Ram Narayan Puri High School Saksohra.
7. Rekha Kumari incharge headmaster Mahanth Ram Narayanpuri High School Saksohara.
8. Baiju Yadav S/O Govind Yadav R/O Village- Saksohra, P.S.- Saksohra, District- Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13938 of 2017

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Anil Kumar Gupta Son of Late Panna Lal, Resident of Village/Mohalla- Saksohara, P.S.- Saksohara, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
3. District Magistrate cum Collector, Patna.
4. Senior Superintendent of Police, Patna.
5. Sub-Divisional Officer, Barh, District- Patna.
6. Circle Officer, Belchi, District- Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 16344 of 2016)



For the Petitioner/s : Mr.Niranjan Parihar, Advocate
Mr. Rajendra Prasad, Sr. Advocate
Mr. Pramod Kumar, Advocate
Mr. Ritesh Kumar, Advocate
Mr. Dharendra Kumar, Advocate
For the Respondent/s : Mr.AC to SC-11
(In Civil Writ Jurisdiction Case No. 13938 of 2017)
For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.Raj Kishore Roy-Gp18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 04-12-2025 Heard Mr. Niranjan Parihar, Mr. Rajendra Prasad

(Senior Counsel), Mr. Pramod Kumar and Mr. Ritesh Kumar,

learned counsels for the petitioners in the two cases as also the

State.

2. The **C.W.J.C. No. 16344 of 2016** has been
preferred for the following relief/s:

*(i) for issuance of appropriate writ(s)
directing upon the respondents to remove the
encroachment from a public land Gair/
Majurawa Aam Rasta which is used for all
vide Mauja-Saksohra, Khata no. 1435 Plot
no. 2842 Are- 17 decimal;*

*(ii) for further direction to the respondents
no. 1 to 5 specially to dispossess the
respondents no.6 to 7 from the aforesaid
public land of Gair Majurwa Aam Rasta
which should have been used by all;*



(iii) for grant of any other relief(s) for which the local people including this petitioner is legally entitled.

3. The **C.W.J.C. No. 13938 of 2017** has been preferred for the following relief/s:

(i) for quashing of the notice dated 8. 9. 2017 (annexure-10/01) issued under the signature of Circle Officer, Belchi asking the petitioner to vacate a piece of land measuring 45'x 5' (225 Sft.) of Khata no. 1435, Plot no. 2842 in Village- Saksohara, Thana no. 276 as well as letter dated 8. 9. 2017 written by the Circle Officer, Belchi to the Additional District Magistrate Law and Order, Patna and for staying the operation of notice dated 8. 9. 2017 during the pendency of this writ application and for grant of such other relief or relief's which the petitioner be found entitled to.

4. Both relates to same piece of land at Mauza- Saksohra, under Belchi circle in the district of Patna while Munna in the first case wanted removal of encroachment, Anil



Kumar Gupta in the second case came up with the story that he is residing there alongwith his family since decades.

5. In **C.W.J.C. No. 16344 of 2016**, a counter affidavit has come and learned State counsel has taken this Court to paragraph-7 which shows that an Encroachment Case No. 01 of 2015-16 was initiated but the same has not been taken to its logical conclusion due to pendency of the writ petition/orders passed in it.

6. On the one hand, one writ petitioner is asking removal of encroachment from the government land, on the other hand, the other writ petitioner is staking claim on it. Both are duty bound to appear in the said proceeding no. 01/15-16 before the Circle Officer, Belchi, Patna in next four weeks.

7. Needless to add, the Circle Officer, Belchi shall be taking up the matter and after hearing not only the two petitioners but also all such party relating to the land in question will be taking the matter to its logical conclusion preferably by 31.03.2026 as already a decade has passed in the present case.

8. With the aforesaid observation, both the writ petition are disposed of.

9. The interim orders in the present cases shall merge with the final order passed by the Circle Officer, Belchi.



10. With the aforesaid observation, the writ petition is
disposed of.

(Rajiv Roy, J)

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