

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5289 of 2019

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Kailash Mahto S/O Late Jai Narayan Mahto R/O - P.O. Billo, P.s. Ramgarh Chowk, G Ram Panchayat Billo, Distt. Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Rural Development, Department of Govt. of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Anchal Adhikari, Ramgarh Chowk. P.s. Ramgarh Chowk, Lakhisarai.
4. The Superintendent of Police, Lakhisarai.
5. The S.H.O. Ramgdh Chowk, Lakhisarai.
6. The Programme Officer (Manrega) Ramgarh Chowk, Distt-Lakhisarai.
7. Mukhiya Gram Panchayat Raj Billo P.S. Ramgdh Chowk, District-Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 24-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

*(i) To issue a writ of Mandamus or
any other writ of writs, direction or
directions commanding upon the
respondents to remove the encroachment
made by the respondents over petitioner land
which have been filled up by soil forcibly by
the Mukhiya under Manrega Scheme. The
details of the lands given in Para No.4 of*



this writ Petition and further direct the respondent to pay compensation regarding causes damages of the trees over the said land of the Petitioner.

(ii) To pass any such other order or orders as this Hon'ble Court may think fit and proper. under the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the subject matter is land measuring 4 decimals, being Khesra No. 400, Plot No. 590, situated in village Billo, P.S. Anchal Ramgarh Chowk, District Lakhisarai, which was acquired in the name of the petitioner's full brother and is alleged to have been forcibly taken for the construction of a brick-built road under the Manerage Scheme.

4. Learned counsel for the State raised preliminary objection and submits that the petitioner had earlier moved for the same land against the same set of respondents before this Court in CWJC No. 3116 of 2019, which was dismissed as withdrawn vide order dated 16.04.2019.

5. In response thereto, learned counsel for the petitioner submits that the respondents are not the same.

6. Upon comparison of the respondents in both writ petitions, it transpires to this Court that in the present case, the



petitioner has made parties the State of Bihar, the District Magistrate, Lakhisarai, the Anchal Adhikari, Ramgarh Chowk, the Superintendent of Police, Lakhisarai, the S.H.O. Ramgarh Chowk, Lakhisarai, the Programme Officer (Manrega), Ramgarh Chowk, and the Mukhiya, Gram Panchayat Raj, Billo, whereas, in the earlier case, annexed as Annexure B to the counter affidavit, the parties were the State of Bihar through the Principal Secretary, Department of Rural Development, Patna, the District Magistrate, Lakhisarai, and the Circle Officer, Ramgarh, Lakhisarai, although the land in dispute is the same.

7. In view of the fact that the petitioner had earlier moved before this Court and his writ petition was dismissed as withdrawn, this Court is of the opinion that the present writ petition is not maintainable.

8. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

Aman Kumar/-

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