

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6375 of 2020

1. Ramadhar Ray Son of Late Jay Kishun Ray Resident of Raghurampur, P.O.- Chandmari, P.S.-Shahpur, District-Patna Pin-801503,
- 2.1. Avinash Kumar Son of Late Dhaneshwar Kumar Singh, Resident of Raghurampur, P.O.- Chandmari, P.S.- Shahpur, District - Patna, PIN-801503.
- 2.2. Ujjwal Kumar Son of Late Dhaneshwar Kumar Singh Resident of Raghurampur, P.O.- Chandmari, P.S.- Shahpur, District - Patna, PIN-801503.
- 2.3. Amrita Kumari daughter of Late Dhaneshwar Kumar Singh, Resident of Raghurampur, P.O.- Chandmari, P.S.- Shahpur, District - Patna, PIN-801503.
- 2.4. Vibha Singh daughter of Late Dhaneshwar Kumar Singh, Resident of Raghurampur, P.O.- Chandmari, P.S.- Shahpur, District - Patna, PIN-801503.
3. Smt. Sunita Devi Wife of Shri Dhaneshwar Kumar Singh Resident of Raghurampur, P.O.-Chandmari, P.S.-Shahpur, District-Patna Pin-801503,
4. Krishna Kumar Singh Son of Late Rajendra Ray Resident of Raghurampur, P.O.-Chandmari, P.S.-Shahpur, District-Patna Pin-801503,
5. Ramakant Ray Son of Late Jang Bahadur Singh Resident of Raghurampur, P.O.-Chandmari, P.S.-Shahpur, District-Patna Pin-801503,

... .. Petitioner/s

Versus

1. The Union of India through the Defence Secretary, New Delhi.
2. The State of Bihar through the Principal Secretary to the Government of Bihar, Department of Revenue, Patna-1.
3. Major General Amarnath Kumar Yadav, Sub-Area G.O.C., Danapur Cantt. District-Patna.
4. Lt. Colonel Hemant Parmar, Admn. Commandor, Danapur Cantt., District-Patna.
5. Sri Sohail Biswas, Defence Estate Officer, Danapur Cantt., District-Patna.
6. The District Magistrate, Patna.
7. Sri Mahendra Prasad Gupta, Circle Officer, Danapur, District-Patna.
8. Sri Taranjeet Singh Sub Divisional Officer, Danapur, District-Patna.
9. Sri Dhiraj Kumar, Station Head Officer, P.S.-Shahpur, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bikas Kumar Sharma, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, GP-14
For the Union of India	:	Dr. K.N. Singh, A.S.G.
		Mr. Ram Tujabh Singh, CGC
		Mr. Radhika Raman, Advocate



CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

27 19-08-2025 It is found from the record that during the pendency of the instant writ petition, original petitioner No.2-Dhaneshwar Kumar Singh died and upon an application filed by the legal heirs and representatives of the said Dhaneshwar Kumar Singh, since deceased, order was passed on 01.04.2022 for substitution.

2. As per the computerized record, the legal heirs and representatives were substituted in the instant writ petition, but their names were not formally incorporated in the cause title of the writ petition.

3. The learned Advocate on Record is directed to incorporate the names of the legal heirs of deceased petitioner No.2-Dhaneshwar Kumar Singh herein now.

4. The writ petitioners have invoked the constitutional writ jurisdiction of this Court under Article 226 of the Constitution of India for the following reliefs:-

“i. To issue an appropriate writ / order / direction to prohibit / prevent / restrain the respondents from taking law in their own hands to dispossess the petitioners forcefully from the lands lawfully acquired by them (petitioners) from the Khatiani Raiyats or from their descendants.

ii. To grant any other appropriate relief or reliefs for which the petitioners may be found entitled



to."

5. It is not in dispute that some lands of the petitioners were acquired by the Union of India for Military Signal Corp/Campaign and in the year 2010, a demarcation case was filed by the petitioners for demarcating their lands, which were not part of the acquisition proceedings. The lands of the petitioners were demarcated and thereafter, some portion of the lands were butted and bounded by the petitioners. The rest portion of the lands were demarcated by fixing polls.

6. It is the case of the petitioners that in or about 2019 Army Officials forcibly entered into the land of the petitioners and encroached a substantial portion of the said land. The encroached portions were not within the area of acquisition by the Union of India, so is the instant writ petition.

7. By an order dated 21.06.2022, a Coordinate Bench of this Court made the following directions:-

“Once the matter was settled in the year 2010 and for about 9 years the Army Officials had no objection to the same, now they cannot be allowed to use force for claiming their so called land. In the opinion of this Court, the Army Officials should have moved the Circle Officer for demarcation if they had any objection or if they had any complaint against the petitioners. The alleged measurement by the Army Officials along with the Revenue Officials is without



any authority of law, which cannot be allowed.

Both the parties are agreeable that a fresh measurement in accordance with law should be made and one or two representative(s) of both the sides should be present at the time of measurement. The Sub Divisional Officer, Danapur, will provide all forces so that neither of the parties use force against each other. The Circle Officer, Danapur is also directed to fix a firm date of measurement and give notice to both the parties so that they will be present at the time of measurement. If there is any objection by either of the parties which cannot be resolved at the time of measurement, the same shall be filed before the Circle Officer, Danapur. The Circle Officer will demarcate the land and thereafter submit a report to this Court”

8. In view of such direction, measurement of land was taken in presence of the petitioners, representatives of Union Army and the representatives of the State Government.

9. After measurement through E.T.S. and D.G.P.S. a report has been submitted by the State by way of supplementary counter affidavit. On perusal of the report and the filled drawing of the measurement by E.T.S. and D.G.P.S., it is found that the respondent Nos.3, 4 & 5 had made illegal encroachment in respect of the portions of Plot Nos.141, 142, 143 and 155 marked in green colour. The petitioners are entitled to get back the said portions of the land.



10. The learned Advocates on behalf of the Union of India as well as on behalf of the State also admit that the above-mentioned portions of land shown in green colour in the map was encroached illegally by the Indian Army.

11. Therefore, the petitioners are entitled to get the portions of above-mentioned plots of land returned from the physical possession of the Union of India.

12. Accordingly, this Court issues a writ in the nature of mandamus directing the respondent Nos.1, 3, 4 & 5 to return and handed over peaceful possession of the encroached land within six weeks from the date of communication of this order.

13. Let, a copy of the map submitted by the learned Counsel for the petitioners, the contents of which has been admitted by the learned Counsels for the respondents be made a part of the order, as ready reference.

14. Accordingly, the instant writ petition is disposed of on contest. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

mdrashid/-

U			
---	--	--	--

