

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6460 of 2024

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Dasharath Ram Son of Late Jita Ram, Resident of Village- Mainpura Mohalla, P.S.- Danapur, District- Patna. At present C/o Sri Mannu Lal Ram, Road No. 06, Takiyapar, Chitrakut Nagar, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate, District- Patna.
3. The Sub Divisional Magistrate, Patna Sadar, District- Patna.
4. The Circle Officer, Patna Sadar, District- Patna.
5. The Senior Superintendent of Police (S.S.P.), District- Patna.
6. The S.H.O. Airport Police Station, Patna, District- Patna.
7. The Phulmatiya Devi @ Phuljhariya Devi, Wife of Late Nagina Manjhi, resident of village- Khajpura, Murlichak, Jagdeopath, Musahari, P.S.- Airport, Patna, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh
For the Respondent/s : Mr. Standing Counsel (28)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-04-2025 1. Heard learned Senior counsel for the petitioner Mr. Rajendra Narayan and the learned AC to SC-28.
2. The learned Senior counsel submits that the land of the petitioner is adjacent to the plot, which has been settled by the government in favour of private respondent no.7. The learned Senior counsel submits that though 1 decimal of land was settled with the respondent no.7 but then the authorities did not demarcate the land, which was settled with her. It is further submitted that respondent no.7 after coming on her settled land,



started encroaching the land of the petitioner, which is adjacent to the land of respondent no.7, on account of which, a dispute arose, which led the petitioner to move this Court by filing CWJC No.6624/2017. It is submitted that CWJC No.6624/2017 was taken up on 17.04.2023 and the learned counsel appearing on behalf of the petitioner sought liberty to avail such other alternative remedies as are otherwise available under the law and thus did not press the writ application. The learned Senior counsel submits that thereafter the petitioner moved before the Circle Officer, Patna Sadar by filing an application dated 25.07.2023 (Annexure-12) with a prayer that the encroachment made by the private respondent no.7 on his land be removed, on which, the learned counsel appearing on behalf of the State submits that the Bihar Land Encroachment Act does not apply when the dispute is private, on which, the learned Senior counsel appearing on behalf of the petitioner submits that the submissions made by the learned State counsel cannot be countenanced but then it is submitted that the situation would not have become worse if the authorities while settling the land in favour of respondent no.7 would have demarcated the same. The learned Senior counsel next draws the attention of the Court to an order of this Court dated 12.03.2010 in CWJC



No.4150/2008 (Ram Pravesh Yadav Vs. the State of Bihar & Others) and submits that the issue involved in the instant writ application is akin to the issue involved in CWJC No.4150/2008. It is submitted that this Court while disposing of CWJC No.4150/2008 by an order dated 12.03.2010 had directed the authorities of the State of Bihar by recording-

“Thus, I direct that in all cases any where in the State of Bihar where purchas like this or settlements have to be made, the Authorities would be bound to demarcate the same physically and handover the possession after proper demarcation to avoid law and order problem and unnecessary litigation, as in the present case. In that view of the matter, I direct the Circle Officer, Patna Sadar that if an application is filed by the petitioner seeking demarcation of his land, the Circle Officer would intimate him the fee liable to pay and take all necessary steps and get the demarcation done within 45 days of receipt of the application positively. All district authorities including civil and police administration would aid the Circle Officer in this regard expeditiously and without demur.”

3. The learned Senior counsel appearing on behalf of the petitioner reiterates and submits that the issue involved in the instant writ application is similar to the issue involved in CWJC No.4150/2008, thus submits that the instant writ application be also disposed of in terms of the order dated 12.03.2010 in CWJC No.4150/2008.



4. The learned State counsel also does not dispute the said submission made by the learned Senior counsel appearing on behalf of the petitioner.

5. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Patna Sadar that if an application is filed by the petitioner seeking demarcation of his land, the Circle Officer would intimate him the fee liable to pay and take all necessary steps and get the demarcation done within a period of 45 days from the date of receipt of the application.

6. It is made clear that if Circle Officer for demarcating the land will require police force in that event the Senior Superintendent of Police, Patna shall aid the Circle Officer in carrying out the order of this Court.

7. The writ application stands disposed of.

(Satyavrat Verma, J)

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