

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15708 of 2014

1. Sri Ram Singh Kushwaha and Anr Son of Late Gorakh Nath Singh Resident of Village - Sripur, P.S. Ayar District - Bhojpur at present residing at Zero Mile, Ara, P.O. Bholshi, P.S. Udwant Nagar, District - Bhojpur.
2. Sunil Kumar Singh Son of Sri Jyoti Prasad Singh resident of Zero Mile, Ara, P.S. Udwant Nagar, District - Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
3. District Magistrate at Ara.
4. Sub-Divisional Officer, Ara.
5. Deputy Collector Land Reforms, Ara.
6. Circle Officer Udwant Nagar, P.S. and District - Bhojpur at Ara.
7. Superintendent of Police, Ara.
8. Sub Divisional Police Officer, Ara.
9. O/C P.S. Udwantnagar, District - Ara.
10. O/C Nawadah, Ara, District - Bhojpur at Ara.
11. Jyoti Narain Acharya Pujari Radha Krishna Mandir Trinmundi Dham , Zero Mile Ara, P.S. Udwant Nagar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Advocate
For private respondent	:	Mr.Gopal Govind Mishra, Advocate
For the State	:	Mr.Vishwambhar Prasad, A.C. to AAG-5

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 13-02-2025

Heard learned counsel for the petitioner, learned
counsel for the private respondents and learned counsel for the
State.



2. The present writ application has been filed for a direction to the respondents to remove the encroachment made by respondent No.10 over the land in question.

3. Learned counsel for respondent No.11 has filed a counter affidavit stating therein that the authority has passed the order on 10.11.2012 against the respondent No.11 and respondent No.11 has challenged the same in CWJC No.5269 of 2013 which was disposed of with liberty to private respondent No.11 to file an appeal before the Appellate Authority under the law. The private respondent No.11 has preferred an appeal before the Division Bench of this Hon'ble Court bearing LPA No.416 of 2016 and the same was disposed of by order dated 04.04.2017, operating part of the order dated 04.04.2017, which is being reproduced hereinbelow:

“The question as to whether the dispute was a case of settlement of land or a case of encroachment could be decided more appropriately by the appellate authority and if taking note of the aforesaid, the Writ Court has relegated the petitioner to take recourse to the statutory remedy available of filing an appeal, we see no error in the same warranting



interference. The Appeal is, therefore, dismissed.”

4. Learned counsel for the respondent No.11 submits that pursuant to the order of the Division Bench of this Hon’ble Court the matter is pending before the Bihar Land Tribunal in BLT Case No.61 of 2020 and the petitioner No.2 has appeared in the proceeding and filed their respective reply and the said case is still pending for consideration before the learned Bihar Land Tribunal.

5. In view of the aforesaid, it appears that two proceedings can not run for the same cause of action and pursuant to the direction passed by the LPA Bench, the matter is still sub judice before the competent court (Bihar Land Tribunal) and the petitioners have already appeared and filed their respective show cause reply in the proceeding.

6. In view of the aforesaid, this writ application stands disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.02.2025
Transmission Date	NA

