

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2887 of 2014

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Sudhanshu Shahi Son of Sri Kamlesh Shahi Resident of Village - Siyarigarha,
P.S. Siwan Muffasil, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan
3. The Superintendent Of Police S.P. , Siwan
4. The S.D.O. Siwan
5. The Circle Officer C.O. Sadar Block - Siwan, District - Siwan
6. Kuber Shahi Son Of Late Laxuman Shahi Resident Of Village - Siyarigarha,
P.S. Siwan Muffasil, District - Siwan
7. Amar Shahi Son Of Baldeo Shahi Resident Of Village - Siyarigarha, P.S.
Siwan Muffasil, District - Siwan

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 13752 of 2014

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1. Kuber Sahi Son of Late Laxman Sahi
2. Ram Pujan Sahi Son of Late Mahraj Sahi
3. Brajesh Sahi @ Vijay Sahi Son of Late Ram Ekbal Sahi
4. Shiv Shambhu Sahi @ Chandrasen Sahi Son of Late Mansi Sahi.
5. Awadhesh Sahi @ Umesh Sahi Son of Late Barai Sahi
6. Amar Sahi @ Amarnath Sahi Son of Baldeo Sahi
7. Ram Sumer Sahi son of Gorakh Sahi all residents of Mauza Siyadi Garh,
Police Station Siwan, Muffasil, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors
2. The District Magistrate, Siwan.
3. The Sub- Divisional officer, Siwan.
4. Circle Officer C.O. Sadar Block, Siwan, District- Siwan.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 2887 of 2014)

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate
For the State : Mr. Ramadhar Singh, G.P.-25



(In Civil Writ Jurisdiction Case No. 13752 of 2014)

For the Petitioner/s : Mr. Sarva Deo Singh, Advocate

For the Respondent/s : Mr. Suresh Kumar, AC to GP-1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 20-02-2025

Both the writ petitions have been arising from the same set of land bearing Tauzi No. 3910, Khata No. 1072, Survey No. 1447 area 2.25 Acres situated at village Siyari Garha, P.S. Siwan Muffasil, District- Siwan and disposed of with the common order.

2. The writ petition bearing C.W.J.C. No. 2887 of 2014 has been filed for the direction upon the respondents to remove the encroachment made over the Government pond by the Respondent Nos. 6 and 7 who are writ petitioners in C.W.J.C. No. 13752 of 2014.

3. Petitioners of C.W.J.C. No. 13752 of 2014 have challenged the order dated 28.04.2014 passed by the Circle Officer (Respondent No. 4) by which all the petitioners have been declared encroachers on the portion of the land mentioned as aforesaid. Apart from that, petitioners of C.W.J.C. No. 13752 of 2014 have also challenged the order dated 29.05.2014 by which the local administration has been requested to provide four J.C.B., eight tractors and forty labours for taking appropriate action to vacate the encroached land by the



petitioners.

4. Learned counsel for the petitioners submits that the finding of the Respondent No. 4 is contrary to the documents produced by the petitioners regarding the title of the land in question which belongs in the name and title as *Malik Gairmazarua* which have been allotted to the petitioners by *Hukumnama* before independence and they are residing after constructing the dwelling houses and Bathan etc. And apart from that, the impugned order passed by the Respondent No. 4 is without considering the contention of the petitioners and without examining the documents which were produced by the petitioners, in the Encroachment Case No. 2 of 2013-2014.

5. Learned counsel for the State has filed a counter affidavit stating therein that the petitioners (C.W.J.C. No. 13752 of 2014) were heard before the passing the impugned order dated 28.04.2014 in accordance with law and after due consideration of all the facts enclosed with the documents produced by the petitioners, the Respondent No. 4 has passed the order in Encroachment Case No. 2 of 2013-2014.

6. Having heard learned counsel for the parties and perused the materials available on record, the orders dated 28.04.2014 and 29.05.2014 is hereby set aside and the matter is



remitted back to the Respondent No. 5, the Circle Officer, C.O.,
Sadar, Block-Siwan to examine the present matter afresh
pertaining to land in question as mentioned aforesaid and after
hearing all the parties including the petitioners of C.W.J.C. No.
2887 of 2014 and petitioners of C.W.J.C. No.13752 of 2014 and
also examine the documents produced by the petitioners of
C.W.J.C. No. 13752 of 2014 in support of their claims and pass
a speaking order in accordance with law within a period of three
months.

7. With the aforesaid direction/ liberty, this writ
application stands disposed of.

(Rajesh Kumar Verma, J)

priyanka/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.03.2025
Transmission Date	N/A

