

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9542 of 2017

1. Mustaque Aalam and Ors son of Rasam Ali, resident of Village- Manikpur, Police Station- Thakurganj, District- Kishanganj.
2. Rekha Devi, wife of Shyam Sunder Jha, resident of Village- Thakurganj, Police Station- Thaurganj, District- Kishanganj.
3. Md. Shabaz Aalam, son of Md. Sultan, resident of Village- Jamniguri, Police Station- Kurlikot, District- Kishanganj.
4. Shyam Sundar Jha, son of Awadh Narayan Jha, resident of Village- Thakurganj, Police Station- Thakurganj, District- Kishanganj.
5. Mahboob Aalam, son of Idris Aalam, resident of Mala Patti, Ward-9, Thakurganj, Police Station- Thakurganj, District- Kishanganj.
6. Md. Nehal Akhtar, son of Md. Habibur Rahman, resident of Urdu Colony, Thakurganj, Police Station- Thakurganj, District- Kishanganj.
7. Amit Kumar Agrawal, son of Late Shyama Prasad Agrawal, resident of Village- Thakurganj, Police Station- Thakurganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The Regional Officer, National Highway Authority of India, Kishanganj.
3. The State of Bihar through the Principal Secretary, Revenue and Land Reforms.
4. The Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
5. The District Magistrate, Kishanganj.
6. The Additional Collector, Kishanganj.
7. The Sub-Divisional Magistrate, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhayachal Singh, Sr. Adv Mrs. Smriti Singh, Adv. Mr. Kumar Awnish Ankit, Adv. Ms. Nikita Mittal, Adv.
For the Respondent/s	:	Mrs. Nutan Sahay, Aag12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2025 Heard Mrs. Smriti Singh, learned counsel for the

petitioner s and Mrs. Nutan Sahay representing the State.

2. The present application has been preferred for the



following relief(s):

(i) For issuance of writ in the nature of mandamus or any other appropriate writ for restraining the respondents authorities from dispossessing the petitioners from their peaceful possession upon the respective plot/house/building situated in Plot-67, Khesra -2273, Plot-221, Khesra -2272, 2274, Plot- 401, Khesra -2270 and Plot- 93, Khesra -940, 2275 without adopting any legal procedure established in the law.

(ii) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondents authorities to initiate valid land acquisition proceeding to acquire the respective plots/house/building situated in Plot- 67, Khesra -2273, Plot- 221, Khesra -2272, 2274, Plot- 401, Khesra -2270 and Plot-93, Khesra 940, 2275, for the purpose of construction of over bridge and further pay adequate compensation to the petitioners after initiating valid land acquisition process.

(iii) For holding that the petitioners are rightful owner/claimant of their respective plot/house/building in question and they cannot be dispossessed



from there without adopting any legal procedure established in the law.

(iv) For issuance of any other writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.

3. The State counter affidavit on behalf of the respondent is/are on record and they have reasoned out that the matter which the petitioners are agitating relates to Land Acquisition Case No. 268/1964-65 and 129/1966-67 of Purnea District and stands acquired in the said year itself and the petitioners are encroachers.

4. Learned counsel for the petitioners submit that the Encroachment Proceeding No. 04 of 2017-18 is/are still pending as per her last information and as such the petitioners shall be pursuing the same in accordance with law.

5. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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