

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7114 of 2015

1. Umesh Chaudhary and Ors son of late Ram Nath Bind,
2. Shiv Nath Chaudhary son of late Sukhdeo Chaudhary.
3. Kaulesiya Kuer wife of late Bishwanath Bind
4. Most. Tetri Devi wife of late Prabhunath Chaudhary,
5. Sita Ram Bind son of late Deodatt Bind,
6. Yamuna Bind son of late Vishwanath Bind,
7. Shri Ram Chaudhary son of late Sahdeo Chaudhary, All resident of-
Industrial Area, Dehri, PS- Dehri-On-Sone, District- Rohtas
8. Hira Singh son of late Laxman Singh
9. Bharat Singh son of late Laxman Singh, Both resident of Mohalla-
Tarbangla, PS- Dehri-On-Sone, District- Rohtas.
10. Raja Ram son of late Ram Gahan Ram, Resident of village/Mohalla-and PS-
Dehri-On-Sone, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Sub-Divisional Officer, Sone Nahar sub-Division, Dihri, District-
Rohtas.
3. The Collector Rohtas
4. The Circle Officer Dehri, Rohtas.
5. Principal Secretary Irrigation Department, Govt. of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Khurshid Alam, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-03-2025 Heard Mr. Md. Khurshid Alam, learned counsel for

the petitioners and Mr. Dhurjati Kumar Prasad, learned counsel

appearing for the State.

2. This writ petition has been filed by the petitioners

for the following reliefs:-



(i) For issuance of a writ in the nature of mandamus or in the nature of prohibition commanding the respondent authorities not to dispossess the petitioners from plot no. 1011 which was settled with their ancestors as long as back in the year 1949 for agricultural purpose by the Irrigation Department situated towards west of the Sone River and east of the main road

(ii) For issuance of a writ in the nature of mandamus commanding the respondent to get the land belongs to the industrial area measured in presence of petitioners so that it should be cleared that petitioners are not encroacher of the industrial area rather the government officials themselves encroached the land of the industrial area.

(iii) For issuance of a writ in the nature of mandamus commanding the respondent authority not to built/construct dairy milk powder plant over the agricultural land which does not belongs to industrial area rather in peaceful possession of the family of the petitioner since 1949

(iv) For issuance of a writ in the nature of mandamus commanding the respondent authority to remove encroachment for the industrial area and direct to established milk powder plant over the industrial area land only.



(v) And further for issuance of any other writ/writs, order /orders, command / commands, direction / directions as your lordship may deem fit and proper in the facts and circumstances of the case.

3. Learned counsel for the petitioners submits that plot no. 1011, 1031 situated at Dehri on Sone in the District of Rohtas belongs to irrigation department and situated adjacent to west Sone River. The land in question was settled with the ancestors of the petitioners long back in the year 1949 and the petitioners are land less persons and they are cultivating the land in question.

4. Learned counsel for the State has filed a counter affidavit stating therein that it is an admitted position that the land in question belongs to the irrigation department and as per the government scheme, the land in question has been settled by the authority for the period from 25th June to 25th March every year and apart from that petitioners have not annexed any chit of paper which suggest that ancestors of petitioners have been cultivating over the land in question since 1949. Apart from that from bare perusal of the rent receipt which was issued in favour of the petitioners, it transpires that the receipt was issued for the period of one year only.

5. Having heard the counsel for the parties and



perused the materials available on record, it transpires that the petitioners have settled their right over the land for a fixed period and it is admitted position by the petitioners that the land belongs to the irrigation department and the authority has settled the land in question for cultivation for the fixed rent on annual basis.

6. Considering the aforesaid facts, no case is made out for interference of this Court.

7. Accordingly, this writ petition is dismissed.

(Rajesh Kumar Verma, J)

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