

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8591 of 2024

Indrajeet Kumar son of Late Rambhuj Yadav, Resident of village- Mira Bigha,
P.O.- Kalanaur, P.S.- Tehta, District- Jehanabad, Bihar, 804424.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal/Additional Secretary, Department of Land and Revenue, Government of Bihar, Patna.
3. The Principal/Additional Secretary, Department of Home, Government of Bihar, Patna.
4. The Director General of Police, Government of Bihar, Patna.
5. The Commissioner, Gaya Division Gaya.
6. The District Magistrate, Jehanabad.
7. The Superintendent of Police, Jehanabad.
8. The Additional District Magistrate, Jehanabad.
9. The Deputy Superintendent of Police/S.D.P.O., (Headquarter), Jehanabad.
10. The Sub-Divisional Magistrate, Jehanabad.
11. The Circle Officer/Anchal Adhikari, Makhdumpur under Jehanabad District.
12. The S.H.O. cum Officer Incharge, Police Station, Makhdumpur (Tehta O.P.)
13. Bindu Kumari, wife of Paritosh Kumar, Resident of village- Kurtha, Bangla Par/ Tarh Par, Beside the Nahar, P.O.- Kurtha Bazar, P.S.- Makhdumpur (Tehta O.P.) District- Jehanabad (Bihar).
14. Paritosh Kumar, S/o Arjun Prasad, Resident of village- Kurtha, Bangla Par/ Tarh Par, Beside the Nahar, P.O.- Kurtha Bazar, P.S.- Makhdumpur (Tehta O.P.) District- Jehanabad (Bihar).
15. Arjun Prasad, S/o Late Bulak Mahto, Resident of village- Kurtha, Bangla Par/ Tarh Par, Beside the Nahar, P.O.- Kurtha Bazar, P.S.- Makhdumpur (Tehta O.P.) District- Jehanabad (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Mr. AC to GP-20 Md. Anisur Rahman, Advocate Mr. Saobiya Mushtaque, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-06-2025 1. Heard learned counsel for the petitioner, learned
AC to GP-20 for the State and learned counsel appearing on



behalf of private respondents no. 13 to 15.

2. Learned counsel for the petitioner submits that the instant writ application has been filed seeking a direction upon the concerned respondents to remove the illegal and forceful encroachment made on the government land bearing Khata No. 130, Khesra/Plot No. 1472, area 8 decimal, Mauza Kurtha, District Jehanabad by respondents no. 13 to 15, who have encroached the aforesaid land, by making houses and shops and the land is on the bank of a Nahar.

3. Learned counsel for the petitioner straightway draws the attention of the Court to the counter affidavit to submit that even the authorities have accepted that there is encroachment over the land in dispute in the instant writ application as would manifest from the pleadings at paras no. 9, 10 and 11 of the counter affidavit filed on behalf of respondents no. 6 to 11. It is further submitted that at para no. 9, it has been recorded that a measurement report with sketch map has been submitted by the Anchal Amin dated 23.01.2023 and thereafter on 10.02.2023 wherein it has been reported that 0.7 decimal land has been encroached by building shop and rest land has been found as fallow land. Further, at para no. 10, it has been pleaded in reply to para no. 4 of the writ application that the



same is a matter of enquiry, which has been conducted by the Revenue Karamchari. Further, on the direction of the Circle Officer, Makhdumpur, a spot inspection report has been submitted by the Revenue Karamchari dated 31.08.2024 wherein it has been submitted that the land pertaining to Mauja Kurtha, Thana No. 323, Plot No. 1472, Khata No. 130, area 8 decimal is mentioned as District Board Khata Land in C.S. Khatiyani and after measurement it has been found that Bindu Kumari and Arjun Prasad have encroached the part land by constructing shop, as such, it was recommended in the inspection report to institute encroachment case for further action. Thereafter, at para no. 11 of the counter affidavit, it has been pleaded that a measurement report was lastly submitted on 28.09.2024 by the Anchal Amin, Makhdumpur wherein it has been reported that only Bindu Kumari, respondent no. 13 has been found to be encroaching the land in dispute and, accordingly, action was recommended. Thereafter, an encroachment case vide Encroachment Case No. 5/2024-25 dated 14.11.2024 has been instituted.

4. Learned counsel for the petitioner submits that when from perusal of the pleadings made in the counter affidavit, it is clear that an encroachment case has been



instituted then why the Circle Officer, Makhdumpur is not taking action.

5. Learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a direction to the Circle Officer, Makhdumpur to decide the Encroachment Case No. 5/2024-25 dated 14.11.2024 within a time frame.

6. Learned counsel appearing on behalf of private respondents no. 13 to 15 submits that private respondents no. 13 to 15 will cooperate in the encroachment proceeding.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Makhdumpur to ensure that Encroachment Case No. 5/2024-25 dated 14.11.2024 is decided within a period of four months from the date of receipt/production of a copy of this order in accordance with law after giving proper opportunity of hearing to all concerned.

(Satyavrat Verma, J)

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