

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9427 of 2014

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Parmanand Singh S/o Late Rajdeo Singh, Resident of village- Sukhi Bigha,
Police Station- Kaler, District- Arwal.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Arwal.
3. The Deputy Collector Land Reforms, Arwal.
4. The Sub-Divisional Officer, Arwal.
5. The Circle Officer, Kaler, District- Arwal.
6. The Officer-in-Charge, Kaler Police Station, District- Arwal.
7. Rajib Kumar @ Sabalu.
8. Jitendra Kumar @ Bablu Both sons of Late Bishundayal Singh, resident of village- Sukhi Bigha, Police Station- Kaler and District- Arwal.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 3261 of 2016

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Parmanand Singh S/o Late Rajdeo Singh, Resident of Village- Sukhi Bigha,
Police Station- Kaler, District- Arwal.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Arwal.
3. The Deputy Collector Land Reforms, Arwal.
4. The Sub- Divisional Officer, Arwal.
5. The Circle Officer, Kaler, District- Arwal.
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7. Rajib Kumar @ Sabalu.
8. Jitendra Kumar @ Bablu Both sons of Late Bishundayal Singh, resident of Village- Sukhi Bigha, Police Station- Kaler and District- Arwal.

... .. Respondents

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Appearance :

(In Civil Writ Jurisdiction Case No. 9427 of 2014)

For the Petitioner	:	Mr. Manish Kumar No.-2, Advocate
For R. Nos. 7 & 8	:	Mr. Bajrangi Lal, Advocate
For the State	:	Mr. Bijoy Bhushan Prasad, AC to SC-13

(In Civil Writ Jurisdiction Case No. 3261 of 2016)

For the Petitioner	:	Mr. Manish Kumar No.-2, Advocate
For R. Nos. 7 & 8	:	Mr. Bajrangi Lal, Advocate



For the State : Mr. Bijoy Bhushan Prasad, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 30-01-2025

Heard Mr. Manish Kumar No.-2, the learned counsel for the petitioner, Mr. Bajrangi Lal, the learned counsel appearing on behalf of Respondent Nos. 7 and 8 and Mr. Bijoy Bhushan Prasad, the learned AC to SC-13 appearing on behalf of the State.

2. The present writ petition has been filed for compliance of order dated 23.05.2013, passed by Respondent No. 3 (Deputy Collector, Land Reforms, Arwal) in Encroachment Case No. 04 of 2011, whereby Respondent No. 3 has directed the Respondent No. 5 (Circle Officer, Kaler) to remove the encroachment from Khata No. 164, Plot No. 575 after measurement of the land.

3. Learned counsel for the petitioner submits that the Private Respondents had forcefully encroached the public land bearing Khata No. 164, Plot No. 575 measuring an area of 11 decimals. In the aforesaid encroachment case, in presence of both the parties, the aforesaid order has been passed by the Respondent No. 3, directing the Respondent No. 5 for measurement of the land in presence of both the parties and submit a report.



4. The Respondent No. 5 *vide* order dated 16.08.2012 issued notice to both the parties informing them that date of measurement has been fixed on 30.08.2012. In presence of both the parties, the measurement of land in question has been completed by the Respondent No. 5 and it was found that the Private Respondents have encroached the land in question. After the submission of the report of the Respondent No. 5, Respondent No. 3 directed the Respondent No. 5 to remove the encroachment from Khata No. 164, Plot No. 575, which was encroached by the Private Respondents.

5. Learned counsel for the petitioner submits that despite several petitions filed before the Respondent Nos. 1 and 2 and other authorities to remove the encroachment in light of the order dated 23.05.2013 passed by Respondent No. 3, the same has not been removed till now by the Respondent No. 5.

6. Respondent Nos. 7 and 8 have entered appearance and filed their counter-affidavit in the present proceeding stating therein that notice for encroachment case was issued to the answering respondents from the Court of Respondent No. 3.

7. Learned counsel for the Respondent Nos. 7 and 8 further submits that a Title Suit bearing no. 16 of 2015 is still pending for consideration for the same set of land in question,



which was the subject matter of the encroachment case no. 4 of 2011 and the same is pending before the Sub-Judge-I, Jehanabad now Arwal and the petitioner has also entered appearance in the aforesaid suit and submits that the subject matter of the land in question is pending for consideration before the competent Court of law and both the parties have appeared and filed their respective affidavits.

8. In view of the fact that Title Suit No. 16 of 2015 is pending for consideration before the competent Court of law, no order is needed to be passed in the present writ petition.

9. Accordingly, the present writ petition stands disposed of.

(Rajesh Kumar Verma, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.02.2025
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