

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6427 of 2015

1. Paras Nath Singh
2. Dhananjay Singh
Both Sons of Ram Narayan Singh
3. Ram Ayodhya Singh
4. Dinesh Singh
Both Son of Ram Prit Singh
5. Ram Narayan Singh
6. Ram Adhar Singh
Both Son of Late Chandrama Singh
7. Birendra Singh Son of Ramadhar Singh
All residents of Village - Nawadih, P.O. - Rupahtha, Anchal and P.S. -
Nokha, District - Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Secretary Revenue/Land Reforms Department, Bihar, Patna.
3. The Collector, Rohtas.
4. The Sub Divisional Officer, Sasaram, Rohtas.
5. The Deputy Collector, Land Reforms, Sasaram.
6. The Circle Officer, Nokha, Rohtas.
7. Ramashis Singh Son of Kishun Singh
8. Janardan Singh
9. Uma Shankar Singh
10. Uday Narayan Singh
8 to 10 are Sons of Ramashish Singh
11. Rupesh Kumar Singh Son of Uma Shankar Singh
12. Rajesh Kumar
13. Kamal Ranjan Both Sons of Janardan Singh All are residents of Nawadih,
P.O. - Rupahtha, P.S. - Anchal Nokha, District - Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Jha, Advocate
For the State	:	Mr. Smanoj Kumar Sinha, AC to GA-09
For the Private Respondents:		Mr. Vikalp, Advocate



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 27-03-2025

Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel for the Private Respondents.

2. The petitioners have challenged the legality/validity of the order dated 23.12.2014 passed by the Deputy Collector, Land Reforms, Sasaram (Respondent No. 5) in Case No. 131/14-15 by which the Respondent No. 5 has directed to clean the encroachment over the land in question.

3. Learned counsel for the petitioners submits that the Respondent No. 5 has no authority to look the encroachment over the land in question and the competent authority under the Act, is Respondent No. 6, the Circle Officer, Nokha, Rohtas. It appears that Respondent No. 5 has exceeded his jurisdiction and pass the order in favour of the Private Respondents and it also appears from the impugned order itself that the impugned order is ex-parte order which suggests that without hearing the petitioner, the authority has passed the order. Despite of fact that the petitioners have already filed their written statement before the authority concerned. In fact, the petitioners had already filed their written statement before the Respondent No. 5 on 18.12.2014 itself.



4. Learned counsel for the Private Respondents submits that the petitioners have a remedy to file appeal before the Commissioner.

5. Having heard the counsel for the parties, it transpired that the Deputy Director, Land Reforms, Sasaram (Respondent No. 5) has passed the order by which he has directed to remove the encroachment of the land in question and apart from that Respondent No. 5 has not considered the written statement of the petitioners and the Circle Officer, Nokha, Rohtas (Respondent No. 6) is the competent authority to hear the matter pertaining to encroachment of the land in question.

6. The order dated 23.12.2014 passed by the Deputy Director, Land Reforms, Sasaram (Respondent No. 5) is hereby set aside and the writ petition stands allowed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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