

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16469 of 2016

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1. Mosmat Gomti Karan and Ors W/o Late Rudradeo Prasad, Resident of Village- Bakarpur, P.S.- Punpun, District- Patna.
 2. Kaushal Kishore Singh
 3. Ram Ratan Singh Both 2 & 3 are sons of Late Ramchandra Singh, Residents of Vill- Jolebigha, P.S.- Punpun, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Patna.
3. The Sub- Divisional Officer, Masaurhi, Dist.- Patna.
4. The Circle Officer, Punpun, Patna.
5. The Programe Officer, MANREGA, Punpun Block, Dist.- Patna.
6. The Rozgar Sevak, Gram Panchayat- Jolebigha, P.S. Punpun Block, Dist.- Patna.
7. The Mukhiya, Gram Panchayat Raj, Potahi, P.S.- Punpun, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prakritita Sharma, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-4

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 11-12-2025 Heard the parties.

2. The present petition has been preferred for the following relief(s):

“i. To command and direct the respondents to remove the encroachment from the raiyati lands of the petitioners i.e. Plot Nos. 139,413, 415, 417 & 407 situate in Revenue Village Jolebigha belonging to Petitioner nos. 2 &3 and Plot nos. 418 &422 situate in Revenue Village Bakarpur belonging



to Petitioner no. 1 where on in connivance and collusion of respondent nos. 4 to 7 with some vested interest a road has again been laid down by filling up earth after removal of the same in compliance of the orders passed by Hon'ble Mr. Justice V.N. Sinha in MJC No. 2902/ 2014 arising out of MJC No. 2859/2013 which was filed for non-compliance of the order dated 16.10.2012 passed in CWJC No. 19363 / 2012 without consent of the petitioners or without following the procedure of acquisition.

ii. To direct the respondents to stop the construction of road on the plots of petitioners by filling earth and casting concrete / or laying bricks.

iii. To direct the respondents to remove the materials used so far for laying down roads.

iv. To restrain the respondents from causing unlawful and unnecessary harassment to the petitioners by encroaching their land again and again in disrespect of the order passed by this Hon'ble Court in the year 2013.

v. To direct the respondents to pay the compensation (with interest) to the petitioners along with the litigation cost.



vi. To grant leave to add, amend, modify or otherwise vary the grounds in support of this writ.

vii. To grant such other relief or reliefs to which the petitioner may be found entitle in equity and/or in law by Your Lordships in the facts and circumstances of this case.”

3. The petitioners want removal of encroachment from his raiyati land. However, not a single chit of paper is on record and/or any supporting documents to show that which land belongs to him and from which the encroachment should be removed. Mere statement in the writ petition, bereft of documents, cannot be considered for any such direction to any of the respondent-officer much less the Circle Officer, Punpun, Patna.

4. Learned counsel for the petitioners tried to impress upon this Court on the earlier order of the Patna High Court in which also, he was directed to appear before the Revenue Officer to get the land measured.

5. The counter-affidavit of the respondent nos. 2 to 6 is on record and in paragraph-8 it is categorically stated that no construction has been made under Manrega Scheme.

6. This has not been answered by the petitioner despite service of copy to him on 14.12.2018.

7. In that background, if the petitioners so want, can



approach the Circle Officer, Punpun, Patna (respondent no. 4) with application and required fee for measurement of his *raiyati* land and if such petition is filed in next four weeks, the concerned officer shall be duty bound to notice all the parties, get the land inspected/measured in the presence of all the concerned parties, have their signatures on the inspection report and if they failed to do so, in the presence of local witnesses and take the matter to its logical conclusion at an earliest.

8. Needless to add, if the contention of the petitioners is/are found to be correct, the authorities are duty bound to act further in the matter.

9. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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