

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20580 of 2016

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Asarfi Yadav Son of Late Nirdhan Yadav Resident of Village-Kharik, P.O. Rahua Saryram, P.S. Bheja, District-Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Madhubani
3. The Commissioner, Darbhanga
4. The D.C.L.R., Jhanjharpur
5. The Circle Officer, Madhepur
6. Sudeshwar Paswan
7. Bindeshwar Paswan Both are Sons of Tunak Lal Paswan Resident of Village-Kharik, P.O. Rahua Saryram, P.S. Bheja, District-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Yadav, Adv.
For the Respondent/s : Mr. Viveka Nand Singh, Gp18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2025 Mr. Amar Nath Yadav, learned counsel for the

petitioner and Mr. Viveka Nand Singh, learned AC to GP-18.

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

*(i) for issuance of a writ in the
nature of mandamus for the direction/
command of compliance the order dated
16/08/2013 passed by the learned L.R.D.C.
Jhanjharpur Madhubani in connection with
Land Dispute Redressas Case no. 41/2013-
14 whereby and whereunder he, the learned
L.R.D.C. Jhanjharpur, Madhubani held that*



the claim of the petitioner is confirmed vindicated and the respondent nos. 6 and 7 are restrained /abstained from intering / going threat i.e. over the land in question.

(ii) For issuance of a writ in the nature of mandamus for the direction/command to the respondents for the compliance of order dated 7/4/2015 passed by the learned Commissioenr, Darbhanga in connection with the land Dispute Redressal Appeal no. 531/2013 in which he, the learned Commissioner affirmed the order already passed by the learned L.R.D.C. Jhanjharpur and dismissed the said appeal of the respondent nos. 6 and 7/appellants.

(iii) For issuance of an appropriate writ / writs, direction/directions commanding the respondents to reinstate the petitioner over the land in question by removing the respondents specially the respondent nos. 6 and 7 from the said land in question.

3. A counter affidavit has come duly signed by the respondent, Circle Officer, Madhepur, Madhubani and paragraph 11 clearly records that the matter relates to dispute of *Raiyati* land and the aggrieved party will have to approach the Competent Civil Court.



4. The prayer of the petitioner is to remove the area that has been encroached by the respondent no. 7, Bindeshwar Paswan.

5. This Court is in complete agreement with the averment made by the respondents in its counter affidavit that in such a dispute between two private parties relating to a *raiyati* land, the proper course of action is either to approach the Competent Civil Court for civil dispute and if there is any criminal apprehension, to approach the Sub-Divisional magistrate of the area concerned.

6. Granting liberty to the petitioners to do whatever he thinks fit and proper, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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