

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6634 of 2017

1. Hemant Kumar
2. Mani Bhushan Kumar,
3. Ashwani Prasad, All Sons of Bishwanath Prasad, Resident of Village- Sundarpur Kharoana, P.O.- Mahuaria, P.S.- Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Sheohar.
4. The Superintendent of Police, Sheohar.
5. The Deputy Collector Land Reforms, Sheohar.
6. The Circle Officer, Sheohar.
7. Officer-in- Charge, Sheohar Police Station, Sheohar.
8. Umesh Ram,
9. Bigu Ram,
10. Chotelal Ram Sl.No. 8 to 10 Sons of Shiv Shankar Ram, Resident of Village- Sundarpur Kharoana, P.O.- Mahuaria, P.S.- Sheohar, District- Sheohar.
11. Ganesh Ram,
12. Nemi Chand Ram,
13. Nandu Ram,
14. Harischandra Ram,
15. Suresh Ram Sl. No. 11 to 15 Sons of Late Kapildeo Ram, Resident of Village- Sundarpur Kharoana, P.O.- Mahuaria, P.S.- Sheohar, District- Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Mohan, Adv
For the Respondent/s	:	Mr. S.C.Yadav-Gp15
For Res. No. 8 to 15	:	Mr. Hans Lal Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 11-07-2025 Heard learned counsel for the petitioner, learned
counsel appearing for respondent-State and learned counsel



appearing for respondent nos. 8 to 15.

2. With the consent of both the parties, this writ application is being disposed of at this stage itself.

3. The petitioner in the present writ application has prayed for issuance of appropriate writ of mandamus for directing the respondents to remove encroachment from the land of petitioners bearing Khata No. 143, Khesra No. 1567, 1573 and 1574 situated in village- Sundarpur Kharoana, P.O.- Mahuaria, P.S.- Sheohar, District- Sheohar.

4. Learned counsel appearing for the respondent-State submits that the encroachment has already been removed and the statement to that effect is contained in paragraph 17 of the counter affidavit filed by the respondent nos. 3, 5 and 6. Paragraph 17 of the counter affidavit filed by the respondent nos. 3, 5 and 6 is quoted hereinbelow for needful:-

17. That the statements made in Para No. 15 of the writ petition are not correct. It is submitted that the D.M., Sheohar has cancelled the Basgit Parcha vide order dated 04.07.11 of appeal no. 06/2011 but the D.M., Sheohar did not order to recovery of possession. It is wrong to say that the Basgit Parcha was cancelled by the Hon'ble High Court. It is also wrong to say that the Basgit Parcha was cancelled by



D.C.L.R. under B.L.D.R. Act 2009 and Bihar Land Tribunal Patna. It is submitted that the respondent no. 08 Umesh Ram filed C.W.J.C. No. 52/12 against the order dated 04.07.11 passed by the collector, Sheohar in Basgit Purcha appeal No. 06/11 before Hon'ble High Court Patna which has been dismissed with direction to file case before the Tribunal under B.L.T. Act. On the said direction, the respondent no. 08 Umesh Ram filed B.L.T. Case No. 341/2016 before B.L.T./ Tribunal which has been dismissed vide order dt. 22.08.16 and ordered that the order of the collector, Sheohar is correct. no It is submitted that no any senior authority has passed to remove the encroachment accept D.C.L.R., Sheohar in B.L.D.R. case. It is submitted that D.C.L.R., Sheohar has passed to remove encroachment from 800 squire Kari of R.S.P. No. 1567 only and the C.O. Sheohar has taken action to remove the said encroachment.”

5. As can be seen from the aforesaid statement made by respondent nos. 3, 5 and 6 that they are categorically stating that DCLR, Sheohar has passed the order to remove encroachment from 800 squire Kari of R.S.P. No. -1567 only and the C.O. Sheohar has taken action to remove the said encroachment. This position is disputed by the learned counsel



for the petitioner.

6. This Court proposes to dispose of this writ application in terms of the aforesaid statement made by respondent nos. 3, 5 and 6 in paragraph 17 of their counter affidavit and it is specifically directed that if the encroachment from the petitioners' land has not been removed as prayed for in the present writ application, then the same shall be removed as soon as possible preferably within a period of one month from today and a video recording of the entire land should be done so that there remains no confusion in future with regard to status of encroachment. The video recording should be carried out in the presence of the petitioners.

7. With the aforesaid observation/direction, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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