

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13916 of 2021

Sanjit Kumar Son of Sri Kaushlapati Ojha Raghapur, Bihta, P.S.-bihta,
District-Patna. (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary Govt. of Bihar, Patna.
2. The District Magistrate. Sasaram Rohtas.
3. The Superintendent of Police, Sasaram, Rohtas.
4. The District Forest Officer, Sasaram, Rohtas.
5. The Circle Officer, Hauhatta Block, Sasaram, Rohtas.
6. The Station House Officer, Chutia Police Station, Nauhatta.
7. The District Land Acquisition Officer, Sasaram, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ojha, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, (SC19)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-02-2026 Heard Mr. Sanjay Kumar Ojha, learned counsel

appearing on behalf of the petitioner and Mr. Rishi Raj Sinha,

learned SC19 for the State.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought inter alia the following relief(s), which is

reproduced hereinafter:-

“1. That the instant writ application is being preferred on behalf of the petitioner above named invoking the writ Jurisdiction of this Hon'ble Court for seeking the following relief/relies:-

(i) For issuance of writ in the nature of Mandamus or any other appropriate writ order or direction to respondents to restore and release the



physical possession of the land to the petitioner and to make payment of compensation of the some part of the land to the petitioner which has been acquired and fenced by the forest department illegally and forcefully.

(ii) For issuance of any other appropriate writ, order or direction for which the petitioner is entitled to.”

3.The brief facts of the case are that the ancestors of the petitioner had taken a perpetual lease of the Gairmazarua Malik and Sairat lands in village Basarhi, Pergana and Thana Rohtas, T. No. 11769 (original T. No. 4767), from Sri Ramasray Dubey and Sri Rameshwar Dubey, sons of Sri Giriz Prasad Dubey, by four registered pattas dated 16.05.1949, pursuant to which they came in possession of the entire leased lands and, after reclaiming substantial portions at their own cost, made the same cultivable and raised crops such as paddy, til, rahar, gram and wheat. The lands in question, is situated in Village Basarhi, Pergana and Thana Rohtas, Thana No. 622, comprising Khata Nos. 1, 2 and 3 with a total area of about 556.96 acres, claimed to be in peaceful possession of the petitioner's family through their predecessors, including Bishwanath Ojha and Banwari Ojha, who were signatories to the lease deeds. Petitioner is aggrieved by the action of officers the Forest Department, who without issuing any notice or notification and without initiating acquisition proceedings or paying any compensation, illegally



encroached upon the said lands, fenced them by fixing boundary stones, declared them as protected forest and restrained the petitioner from entering upon, reclaiming or cultivating the land, thereby causing heavy loss to the petitioner's family. Repeated representations and legal notices, including a legal notice dated 21.01.2007 has been addressed to the Collector, Rohtas and the Forest Officer, Sasaram, and subsequent representations dated 11.12.2012 and 18.08.2016 to various district and revenue authorities, yielded no relief. The petitioner claims valid right, title and interest over the land in question and contends that the respondents have acted in gross violation of law by dispossessing him without following due process under the land acquisition laws, leaving him with no efficacious alternative remedy except to invoke the writ jurisdiction of this Hon'ble Court seeking restoration of possession and consequential reliefs.

4. Learned counsel appearing on behalf of petitioner submitted that the petitioner's ancestors acquired a perpetual lease for Village Bashari (Pargana and Thana Rohtas, T. No. 11769 and original T. No. 4767). This lease was granted by one Ramasray Dubey and one Rameshwar Dubey, sons of Shri Giriz Prasad Dubey, through four registered deeds (*pattas*) dated



16.05.1949. Consequently, the petitioner took possession of all *Gairmazarua Malik* lands and *Sairet* interests within the said village appertaining to Village- Basarhi, Pergana and Thana Rohtas T. No.-11760, (1+1) and original T. No.- 4767 Thana No.-622. The details of lands are follows;

Khata No	Plot No.	Area A. Dec
1	5	1.78
2	5	2.79
3	1	255.48
	3	295.48
Total		556.96

5. Learned counsel further submitted that the petitioner's ancestors namely Shri Bishwanath Ojha (son of Sri Chandradip Ojha) and Shri Banwari Ojha (son of Madheshwar Ojha), executed the lease and commenced land reclamation and agricultural activities. It is alleged that the Forest Department subsequently encroached upon the land without providing notice, issuing a formal notification, or paying compensation. The Forest Department has since fenced the area with stone markers, unilaterally treating it as Private Protected Forest. Consequently, the petitioner's father submitted a representation to the District Magistrate, Sasaram, Rohtas on 11.12.2012



(Annexure-2), seeking protection against the illegal claim of the forest department over the land in question.

6. Considering the relief(s) as sought for in the present writ petition, as well as, the fact that the petitioner's father has already filed a representation before the District Magistrate, Sasaram, Rohtas on 11.12.2012 to provide protection to him in respect of illegal claim of the forest department over the land in question, in which the petitioner has claimed for restoration of physical possession over some part of the land or in alternative to make payment of compensation in respect of the land which has been allegedly occupied by the Department of Environment, Forest & Climate Change (DoEFCC), Government of Bihar, I find that the petitioner has not been able to bring on record in support of his grievance in respect of notification brought by the Central Government regarding the forest area within which vicinity the petitioner's land is situated and whether it comes under the notified and protected forest area.

7. The petitioner, if so advised, may file a fresh representation before the Additional Chief Secretary, the Department of Environment, Forest & Climate Change (DoEFCC), Government of Bihar and if such application is filed before the Additional Chief Secretary, he is directed to verify



from the records relating to the notified reserved area as forest area and, verify whether, the land of the petitioner has been notified as reserved forest area. If the petitioner's land does not comes under the notified Forest Area then in that case the land is required to be returned back to the petitioner.

8. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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