IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10360 of 2017

CNR No. BRHC010956832017

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Gama Kurmi, Son of Late Babulal Kurmi @ Babulal Patel, Resident of Village-Sivpur Sakra, P.S.-Aasaw, Block-Jiradei, District-Siwan

... ... Petitioner/s

Versus

1. The State of Bihar through the Collector, Siwan.

2. The Additional Collector, Siwan.

3. The Sub-Divisional Officer, Siwan.

4. The Anchal Adhikari, Jiradei, District-Siwan.

5. The Circle Inspector, Jiradei, District-Siwan.

6. The Halka Karmchari, Jiradei, District-Siwan.

7. The SHO Aasaw P.S., District-Siwan.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Vitesh Kumar Singh, Advocate
For the Respondent/s : Mr. Vilochan Tiwary, AC to GP-25

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 18-11-2026 Heard Mr. Vitesh Kumar Singh, learned counsel for the petitioner and Mr. Vilochan Tiwary, learned AC to GP-25 for the Respondent-State.

2. The present writ application has been filed for the following relief(s):-

i.) For quashing of the order dated 22.06.2017 passed by the Anchal Adhikari, Jiradei, Siwan, whereby and whereunder the Anchal Adhikari without any initiation of the encroachment proceeding directed to the petitioner for removal

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of the encroachment vide Khata no. 242, Kheshra No. 1367, Thana no. 228, area 14 Katha 10 dhurs in village Sivpur Sakra, P.S.-Aasaw, District- Siwan over which the petitioner has his residential house and the property in question is the ancestral property of the petitioner.

ii.) for For directing/restraining the respondents, interfering the right, title and possession over the land in question.

iii.) For declaring the action of the respondents is illegal and not sustainable in the eye of law.

iv.) For direction to the respondents, status-quo be maintained over the petitioner's house till the disposal of this writ application.

v.) For any other relief/relief's for which the petitioner is entitled for.

3. Learned counsel for the petitioner submits that the notice under challenge relates to the removal of alleged encroachment over land pertaining to *Khata* No. 242, *Khesra* No. 1367, measuring an area of 14 *Kathas* and 10 *Dhurs*, situated at Village-*Sivpur Sakra, P.S.-Aasaw, District-Siwan.* He further submits that the Jamabandi in question stands recorded in the name of the petitioner's grandfather and he is in peaceful possession of the land in question. It is further submitted that Respondent No. 4 issued a letter dated 22.06.2017 directing the petitioner to remove the alleged encroachment over the land in question. The petitioner claims to have submitted his reply to the said notice on 28.06.2017 itself; however, the concerned

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authority has not given the receiving of the same.

4. Learned counsel appearing on behalf of the State, on the other hand, submits that the *Jamabandi* in question has already been cancelled by the Additional District Magistrate (ADM), and the said order has been affirmed by the District Magistrate, Siwan.

5. Having heard learned counsel for the parties and upon consideration of their submissions, Respondent No. 4 is directed to consider the reply submitted by the petitioner to the notice dated 22.06.2017, as contained in Annexure-2 to the writ petition, and pass a reasoned and speaking order after affording an opportunity of hearing to the petitioner within a period of six weeks from the date of production of a copy of this order.

6. With the aforesaid observations and directions, the present writ application stands disposed of.

7. Pending interlocutory application(s), if any, shall also stand disposed of.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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