



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19153 of 2025

Rajabali Singh @ Rajbali Singh S/o Late Ayodhi Singh, resident of Ram Nagar, Line Bazar, Police Station-K. Hat, District-Purnea-854301 also at Ward no.-10, Village Adalpur, Post Office-Madarganj, P.S.-Amadanda Madarganj, District-Bhagalpur-813204.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna-800015.
2. The Divisional Commissioner, Purnea Division, within District-Purnea.
3. The District Magistrate cum Collector, Purnea within District-Purnea.
4. The Superintendent of Police Purnea within District-Purnea.
5. The Sub Divisional Officer, Sadar, Purnea within District-Purnea.
6. The Deputy Superintendent of Police (Rakshit) Police Kendra, Purnea within District-Purnea.
7. The Sub Divisional Police Officer, Sadar Purnea within District-Purnea.
8. The Circle Officer, Purnea within District-Purnea.
9. The Station Head Officer, Police Station Kajanchi/K. Hat Purnea within District-Purnea.
10. Vimal Paswan, Son of Late Ramlakhan Paswan, resident of Sahavan Tola, Navaratan Hata, P.S.-K. Hat, Purnea within District-Purnea 854301 and also at Ford Company B.K. Tent House, P.S.-K. Hat, Purnea within District-Purnea 854301.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Sinha, Advocate
For the Respondent/s : Mr. Government Pleader (24)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-11-2025 Heard Mr. Binay Kumar Sinha, learned counsel for
the petitioner and the State.

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

“ a) For quashing the memo (Gapank)





no. 1413/सत० Purnea dated 20. 09. 2025 (at annexure-P/9) issued by the learned SDM Purnea Sadar (respondent no.-5) may be quashed.

b) For issuance of direction to restrain the state authorities to take action for putting the respondent no.-10 in the possession of land in question after demolishing the house of petitioner and evicting him from the land in question.

c) For grant of any other reliefs deem fit and proper in the interest of justice.”

3. The matter relates to (M.S.) Khata no. 322, Khesra 2054, Area 21 Katha under Mauza – Madhubani, Thana no. 123/2 in the District of Purnea.

4. The dispute between the parties led to case no. 25 M/2012 (under Section 145 of the Cr.P.C.) before the Sub-Divisional Magistrate, Sadar Purnea (Rajbali Singh vs Mahesh Singh & Ors). It came to be disposed on 03.01.2024 and the relevant part read as follows:

“वाद के अंतर्गत प्रथम पक्ष द्वारा न तो गवाह प्रस्तुत किया गया न ही इनके द्वारा अभिरुची ली गई। लेकिन प्रथम पक्ष द्वारा *Written Statement* के माध्यम से कहा गया है कि प्रश्नगत जमीन का मालकीन श्रीमती योगमाया देवी है। लेकिन युधिष्ठिर चन्द्रदास, योगेन्द्र चन्द्र आर्यण ने उक्त भूमि का एक





जाली कागजात बनवा लिया, जिसे निरस्त करने हेतु योगमाया देवी ने उपरोक्त लोगों पर मुकदमा दायर किया, जो लांबित है। योगमाया देवी दखलकार रहते हुए प्रश्नगत भूमि की देखभाल एवं बिक्री हेतु अपने पुत्र दीपक नन्दन सिंह को मोख्तारनामा दिया। दीपक नन्दन सिंह ने उरोक्त मुख्तारनामा (Power of attorney) के आधार पर प्रश्नगत भूमि बिक्री करने का एकरारनामा दिनांक-24.02.2003 को प्रथम पक्ष के पास किया तथा प्रश्नगत जमीन पर दखल कब्जा दे दिया। तदोपरांत प्रथम पक्ष ने प्रश्नगत जमीन के दक्षिणी भाग में (N.H. 31 से सटे) अपनी दुकान माँ तारा फर्नीचर बनाया, जिसमें अपना फर्नीचर का व्यवसाय करते चला आ रहा है तथा शेष भाग में अपना गोदाम तथा गोहाल घर व निवास गृह बनाकर निवास करते चले आ रहे हैं। द्वितीय पक्ष के सदस्यगण जबरदस्ती प्रथम पक्ष को जमीन से बेदखल करने का प्रयास करने लगा तथा प्रथम पक्ष के गोदाम घर व निवास घर को तोड़कर उसपे नया संरचना देना शुरू कर दिया। कार्यवाही के दौरान जमीन के कुछ भाग से प्रथम पक्ष को बेदखल भी कर दिया। कार्यवाही शुरू होने के दिन तक द्वितीय पक्षकार कभी भी प्रश्नगत भूमि के किसी भी अंश पर दखलकार नहीं हुए। ”

5. Subsequently, it seems that respondent no. 10 in the present petition who was respondent no. 5 in the case No. 25M of 2012 before the S.D.M., Sadar Purnea preferred a petition before the said Court stating that some encroachment has been made by the parties.





6. Accordingly, vide memo no. 1413 dated 20.09.2025 (Annexure-9 to the petition), the S.D.M., Sadar Purnea passed an order directing the Police/Administrative Officials to ensure removal of encroachment.

7. Learned counsel for the petitioner submits that Title Suit No. 161 of 2002 is/are pending before a competent Civil Court. An order came to be passed on 03.01.2024, everyone is in their respective possession but in the garb of the said order, one of the respondents (respondent no. 10) is trying to move into other lands also.

8. The submission is that before issuance of said letter, at least he should have been given a hearing.

9. Learned State counsel submits that if the order is still has not been implemented, he shall be given a hearing.

10. In that background, the writ petition stands disposed of allowing the petitioner to approach the Court of Sub-Divisional Magistrate, Sadar Purnea by 3rd of December, 2025 alongwith all the supporting documents and the S.D.M., Sadar Purnea shall hear him as also the other relevant parties to come to a definite conclusion.

11. Needless to add, the said order has been passed in the backdrop of the submission made by the learned counsel for





the petitioner that the said order dated 03.01.2024 has still not implemented.

12. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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