

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18359 of 2013

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1. Upendra Sah, S/O Late Dhorhay Sah, Resident Of Village - Baluaha,
P.S. Mahishi, District - Saharsa

2. Ramdeo Paswan, S/O Late Surat Paswan, Resident Of Village -
Baluaha, P.S. Mahishi, District - Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar

2. The Commissioner, Koshi Pramandal, Saharsa, District - Saharsa

3. The District Magistrate, Saharsa, District - Saharsa

4. The Deputy Collector, Land Revenue, Saharsa, District - Saharsa

5. The District Land Acquisition Officer, Saharsa, District - Saharsa

6. The Circle Officer, Mahishi, P.S. Mahishi, District - Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore, Adv.

For the Respondent/s : Mr. Anshuman Singh, GP-24

Mr.Rajeev Shekhar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 14-12-2015

Heard the parties.

The petitioners have filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the notices dated 26.08.2013 (Annexure-4 series) issued by the Anchal Adhikari, Mahishi, Saharsa under Section 3 of The Bihar Public Land Encroachment Act, 1956 in Case No.3 of 2013-14 calling upon the petitioners to vacate the encroachment made by them over the lands in question. In the aforesaid notices, the lands have been shown to have been recorded as Anabad Bihar Sarkar.

A counter affidavit has been filed on behalf of the respondent nos.2 to 6. In paragraph 9 of the aforesaid counter affidavit it has been stated by the respondents that the petitioners have now vacated the lands in question and, therefore, the

proceeding of the aforesaid Case No.3 of 2013-14 has finally been dropped.

The learned GP-24 appearing on behalf of the respondents submits that, in view of the aforesaid development, the present matter has become infructuous as the petitioners have themselves vacated the lands in question belonging to the State of Bihar.

At this stage, the learned counsel appearing on behalf of the petitioners submits that, in fact, the petitioners were rightful owner and certain orders were in their favour showing their right over the lands in question.

Be that as it may, so far the present proceeding is concerned, it has become infructuous since pursuant to the impugned notices petitioners have either themselves vacated or they have been removed from the lands in question and the proceeding has been dropped; therefore, no relief can be granted in the present proceeding. However, if the petitioners have any valid right with respect to the lands in question on the basis of certain valid documents, then they shall be at liberty to approach the appropriate forum/court for declaration of such right.

The writ petition stands finally disposed of as infructuous, but with the observations made above.

(Birendra Prasad Verma, J)

Arvind/-

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