

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10715 of 2013

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Baidya Nath Paswan, Son of Late Dukha Paswan, Resident of Village -
Mohiuddinpur, P.S. - Hasanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Darbhanga
2. The District Magistrate-Cum-Collector, Samastipur
3. The Deputy Collector, Land Reforms, Rosera, District - Samastipur
4. The Circle Officer, Hasanpur Block, District - Samastipur
5. Upendra Paswan, Son of Late Ramji Paswan, Resident of Village -
Mohiuddinpur, P.S. - Hasanpur, District - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT
Date: 21-04-2017

Heard learned counsel for the petitioner and learned AC
to GP-26.

The present application has been filed for a direction to
the respondent authorities not to demolish the construction over the
land in pursuance to an order dated 28.02.2012 passed in Land
Dispute Redressal Case No.127/2011 which was filed by respondent
no.5 Upendra Paswan and wherein the petitioner was the opposite
party.



The factual matrix of the case unveils that the DCLR, vide order dated 28.02.2012 directed the petitioner to remove the encroachment from the land admeasuring 7 decimals appertaining to Khata No.425, Plot No.186, as contained in annexure-1. The petitioner preferred an appeal before the Divisional Commissioner being Land Dispute Case No.107 of 2012 against the order dated 28.02.2012 passed in Land dispute Redressal Case No.127 of 2011. The said Appeal was admitted vide order dated 11.04.2012 and during pendency of the Appeal, the authorities were directed not to demolish the construction of the petitioner on the land in question. Hence, the present writ application.

A counter affidavit has been filed, on 21.03.2014, on behalf of respondent nos. 1 to 4 to the effect that the stay petition dated 25.07.2013 was filed by the petitioner before the Divisional Commissioner, which was heard and the order of DCLR, passed in Land Dispute Case No.107 of 2012, has been stayed till disposal of the appeal. Statement to that effect has been made in paragraph no.7 of the counter affidavit, which reads as under :

"That the petitioners thereafter filed a stay petition dated 25.07.2013 before the Divisional Commissioner, Darbhanga which was heard and stay has been granted against the orders of DCLR Rosera, Samastipur in land dispute case no.107/2012 till final



disposal of the appeal."

Hence, it is submitted by learned counsel for the petitioner that in view of the aforesaid fact, the writ application has now become infructuous.

Accordingly, the writ application stands disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

