

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3923 of 2011

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Munni Lal Yadav, S/o late Harilal Prasad Yadav, Resident of village
Horilganj, P.S. Jehanabad, District Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar,
2. The District Magistrate, Jehanabad
3. The Deputy Collector Land Reform, Jehanabad
4. The Anchal Adhikari, Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Respondent/s : Mr. Ramadhar Singh, GP-25

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 12-10-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

Through this writ application, the petitioner has sought
direction for quashing the order dated 20.12.2007 passed by
Anchal Adhikari, Jehanabad in Land Encroachment Case No.
4/2007-08, by which petitioner has been declared encroacher of
about 4 ½ ft. road/chart land of Plot No. 878, Khata No. 468 of
which with respect to removal of the encroachment has been
ordered vide Annexure-3.

It appears from the record that the learned Single Judge
has made a direction vide order dated 23.01.2012 to the Circle



Officer, Jehanabad to get the measurement of the aforesaid plot done again in presence of the petitioner in order to determine whether he has encroached about 4 ½ ft. of the land or not. It was further observed that till measurement is done, the Circle Officer should not remove the encroachment.

A counter affidavit has been filed on behalf of the State making a categorical statement in paragraph No. 14 that in compliance of the aforesaid direction given by this Court, the land was re-measured by the Anchal Amin and Circle Inspector in presence of the Amin posted by the writ petitioner on 21.02.2012 and again it has been found that about 4 ½ ft. land was encroached by the writ petitioner which has already been removed.

It further appears from Annexure 4 that the grievance of the writ petitioner was that the land should be re-measured in his presence and he has made a statement in Annexure 4 that if it is proved in his presence that he has encroached any land then he is ready to remove the encroachment.

In the aforesaid facts and circumstances of the case and the further fact that no rejoinder to the counter affidavit has been filed denying or challenging the statement made in paragraph No. 14 of the counter affidavit, in our view, nothing remains



now in this petition as law has already taken its course.

Accordingly, this writ application is dismissed.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	N/A
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