

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1603 of 2017**

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Pramod Kumar Raut S/o Late Ram Bilash Raut resident of Mohalla - Bada Bazar Raut Path, P.S. - Town, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Information Commissioner, State Information Commission, Information Building, 4th Floor, Bailey Road, Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Additional Collector, Madhubani.
5. The Sub Divisional Officer, Sadar, Madhubani.
6. The Deputy Superintendent of Police, Sadar, Madhubani.
7. The Circle Officer, Rahika, Madhubani.
8. Anant Kumar Raut
9. Amar Kumar Raut
10. Amit Kumar Raut
11. Prashant Kumar Raut All 7 to 10 Sons of Late Lalit Raut resident of Mohalla - Bada Bazar Raut Patti, P.S. - Town, District - Madhubani.

... .. Respondent/s

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**Appearance :**

|                          |   |                                                                                          |
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| For the Petitioner/s     | : | Mr. Ray Saurabh Nath, Advocate<br>Mr. Ratnakar Jha, Advocate<br>Mr. Alok Anand, Advocate |
| For the State            | : | Mr. Rishi Raj Sinha -SC-19                                                               |
| For Respondent No. 7-10: |   | Mr. Y.V. Giri, Sr. Advocate<br>Mr. Pranav Kumar, Advocate                                |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

- 3      05-09-2018                      1. By way of this petition under Article 226 of the Constitution of India, petitioner has prayed for an appropriate writ, direction or order commanding and directing the respondents to demarcate the Government land situated in Ward Nos. 5 and 6 Bada Bazar, Sikkasganj under the Nagar Parishad- Madhubani appertaining to old Khesra No. 1454. It is also



further prayed for an appropriate writ, order or direction to Respondent No. 6 to remove the encroachment from the aforesaid land under the provision of Public Land Encroachment Act.

2. From the counter affidavit filed on behalf of the respondents it appears that land encroachment case is going on between the parties to which even petitioner is also a party to the said proceedings. Under the circumstances, when a substantive encroachment case is going on, the present petition is not maintainable.

2.1. As requested by the learned counsel appearing on behalf of the respective parties, the proceedings before the Circle Officer-encroachment case proceedings are ordered to be expedited.

3. With this, present writ petition stands dismissed.

**(Mukesh R. Shah, CJ)**

**(Ashutosh Kumar, J)**

P.K.P./-R.S.Sen

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