

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11291 of 2017**

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Raj Shankar Mishra Son of Sri Upendra Mishra, Resident of Village-  
Mahinam, P.S. Bahera, Distt. Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Darbhanga.
3. The Sub Divisional Officer, Benipur, Darbhanga.
4. The Circle Officer Benipur, Darbhanga.
5. Upendra Mishra Son of late Jaidev Mishra Resident of Village- Mahinam,  
P.O. Mahinam P.S. Bahera, Distt. Darbhanga.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ghanshyam Choudhary  
For the Respondent/s : Mr.Raj Kishore Roy-Gp18

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      14-11-2019                      The present writ petition has been filed for directing  
  
the respondents to demolish the illegal construction made over  
  
the public land situated at Mahinam village bearing Old Khata  
  
no. 1260 and old khesra no. 5244 area 44 decimals.

The learned counsel for the respondents has referred  
  
to the counter affidavit in the present case wherein it has been  
  
stated that the land in question was inspected by the Anchal  
  
Amin who, upon measurement and spot inspection, has found  
  
that the land has been partially encroached by Bajrangi Mishra,  
  
Udit Narayan Mishra and others and they have constructed brick  
  
houses illegally and pursuant thereof, Encroachment Case No. 24



of 2018-19 has been initiated against the encroachers by the Circle Officer, Benipur, Darbhanga.

Having regard to the fact that the Circle Officer, Benipur has already initiated the encroachment proceeding vide Encroachment Case No. 24 of 2018-19, I deem it fit and proper to dispose of the present writ petition with a direction to the Circle Officer, Benipur, Darbhanga to pass the final orders under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after considering the objections, if any, filed by the encroachers and thereafter remove the encroachments in question, if any.

The writ petition stands disposed of on the aforesaid terms.

**(Mohit Kumar Shah, J)**

Tiwary/-

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