

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2845 of 2020

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Braj Kishore Singh @ Braj Kishore Prasad Singh Son of Late Shree Narayan Singh, Resident of Mohalla Bhawanipur, Zirat, P.S. Chitauni, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Collector, East Champaran, Motihari, District-Motihari, Bihar.
3. The Deputy Collector, Land Reforms, Sadar, Motihari, District Motihari, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-10-2020 Heard learned counsel for the petitioner and learned State counsel through video conferencing.

The petitioner has filed this writ petition under Article 226 of the Constitution of India with a prayer to quash an order dated 23-01-2014 passed by respondent no. 3/D.C.L.R., Sadar, Motihari in Encroachment Case No. 83 of 2012-13, whereby the petitioner has been directed to remove the encroachment on Khata No. 199, Khesra No. 858/75 on an area of 0.30 Decimals.

It is submitted on behalf of petitioner that against the order impugned, petitioner has already filed an appeal before the Collector, East Champaran, Motihari/respondent no. 2, vide



Encroachment Appeal No. 312/2014-15 on 23-03-2015, which is still pending.

Accordingly, with the consent of the parties, the writ application is disposed of with direction to the respondent no. 2/Collector, Motihari to dispose of the appeal filed by the petitioner as early as possible within a period of twelve months from the date of receipt/production of copy of this order.

However, in the meantime, till the disposal of the aforesaid appeal, respondents are restrained from demolishing the permanent structure from the land of petitioner giving effect to the impugned order dated 23.1.2014 passed in Encroachment Case No. 83/2012-13.

With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J.)

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