

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24845 of 2019

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Hafizur Rahman, son of Late Sheikh Mohammad Sibli resident of Village/
Mohalla- Santpur, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, West Champaran at Bettiah.
2. The Sub- Divisional Magistrate, Bettiah Sadar, District- West Champaran.
3. The Anchaladhikari, Nautan, District- West Champaran.
4. Manan Miyan @ Manan Mistri son of Late Adalat Miyan resident of Village/ Mohalla- Santpur, P.S.- Nautan, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Nutan Sahay, A.C. to AAG-12.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-01-2020 Heard learned counsel for the parties.

2. This writ application has been filed seeking direction to respondent No. 3 to remove encroachment from the land admeasuring about 3 Dhur under Khesra No. 1417 in Mauza Nautan Dubey Santpur, in the District of West Champaran, which is a public road and has been illegally encroached by the respondent No. 4. The petitioner is said to have approached the Sub Divisional Officer in this regard, and according to him, he had to file a Criminal Revision Case No. 180 of 2016 before the Additional District & Sessions Judge, Bettiah, West Champaran, against the order of the Sub Divisional Officer and to this Court by filing Cr. WJC No. 875



of 2017 against the order of the Additional District & Sessions Judge, Bettiah, West Champaran. It is the petitioner's case that despite orders of the Sub Divisional Magistrate and Sessions Court, neither inspection of the land has been concluded nor the encroachment has been removed. In paragraph-10 of the writ application, it has been stated that the petitioner has right of easement of free passage and thoroughfare, which has been forcefully obstructed by the respondent No. 4.

3. In view of the above, no order is required to be passed in the present writ application filed under Article 226 of the Constitution of India as the petitioner has already moved the statutory authorities and orders have been passed.

4. This writ application is, accordingly, **dismissed**.

(Chakradhari Sharan Singh, J)

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