

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4563 of 2021

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Krishna Mistry S/o Late Ram Briksha Mistry, resident of Village - Kurmain,
P.S. - Obera, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Aurangabad.
3. The Sub Divisional Magistrate, Daudnagar, Aurangabad.
4. The Circle Officer, Obera, Aurangabad.
5. Sri Charan Mahto @ Bhola Mahto, S/o Late Jodhi Mahto, resident of Village - Kurmain, P.S. - Obera, District - Aurangabad.
6. Vishram Mahto, S/o Sri Charan Mahto @ Bhola Mahto, resident of Village - Kurmain, P.S. - Obera, District - Aurangabad.
7. Pappu Mahto, S/o Sri Charan Mahto @ Bhola Mahto, resident of Village - Kurmain, P.S. - Obera, District - Aurangabad.
8. Motilal Mahto, S/o Late Ram Sharan Mahto @ Kura Mahto resident of Village - Kurmain, P.S. - Obera, District - Aurangabad.
9. Bhushan Mahto, S/o Motilal Mahto, resident of Village - Kurmain, P.S. - Obera, District - Aurangabad.
10. Saryu Mahto, S/o Motilal Mahto, resident of Village - Kurmain, P.S. - Obera, District - Aurangabad.
11. Raju Mahto, S/o Motilal Mahto, resident of Village - Kurmain, P.S. - Obera, District - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-08-2022 The present writ petition has been filed seeking the following reliefs:-

“(i) To issue an appropriate writ/s, order’s, direction/s including a writ preferably in the nature of Mandamus commanding and directing upon the respondent no. 4, the Circle Officer (Obera),



Aurangabad to remove the encroachment from the public land situated in village Kurmain, P.S./ Anchal- Obera, District Aurangabad appearing to khata No. 50, Plot No. 604, 610, Area 6 Dec., 4 Dec. respectively stood recorded as Gairmazarua Aam in the cadastral survey.

(ii) To direct the respondent No. 4 to comply with the order dated 28.03.2019 passed in a case No. 539 of 2019 by the learned S.D.M., Daudnagar whereby and where under in a proceedings under section 133 of Cr. P.C. direction has been given to remove the encroachment from the Public land in question duly mentioned hereinbefore.

(iii) To direct the private respondent also to remove the encroachment from the public land in question in view of order dated 28.03.2019 passed in Case No. 529/19 by the learned S.D.M., Daudnagar.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Obera, District Aurangabad i.e. the Respondent No. 4 by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956 for redressal of his aforesaid grievances. Liberty so sought is granted.

It is needless to state that in case appropriate petition is filed within a period of four weeks from today before the Respondent no.4, the Respondent No. 4 shall consider the same



and pass order thereon, in accordance with law, after hearing the affected parties, within a period of 12 weeks, thereafter.

The writ petitions stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

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