

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4273 of 2020

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Raja Ram Prasad Son of Deo Nandan Prasad, Resident of Village- Parikh, Ward No. 6, P.O. Angari, P.S. Angari, Block- Tharthari, District- Nalanda and also Resident of Village - Asta, Kharjamma, P.O. Asta, Block -Tharthari, P.S. Tharthari, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Old Secretariat, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Nalanda.
5. The D.D.C. -Cum-Chief Executive Officer, District Board, Nalanda.
6. The Superintendent of Police, Nalanda.
7. The Sub- Divisional Officer, Hilsa, Nalanda.
8. The Additional Collector, Nalanda.
9. The Circle Officer Tharthari, Nalanda.
10. The Officer Incharge, Tharthari, Nalanda.
11. The Halka Karamchari Tharthari Nalanda.
12. Raj Nandan Ram, Son of late Chhotu Ram, Resident of Village- Kharjamma (Asta), P.O. Asta Block and P.S. Tharthari, District- Nalanda.
13. Ram Praveen Ram, Son of late Ishwar Ram, Resident of Village- Kharjamma (Asta), P.O. Asta Block and P.S. Tharthari, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish
For the Respondent/s : Mr.Md. Khursid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2022 The present writ petition has been filed seeking the following relief:-

“i) For Issuance of writ in the nature of mandamus directing the respondent to remove the encroachment immediately from the private respondents upon the land belonging to Khata No.



523, khesra No. 1354 area 5.64 Acres situated at Mauza Asta, Thana No. 312, Block Tharthari, District Nalanda, which is the public land of District Board, Nalanda.

ii) For further directing the concern respondent to take final decision and also to remove encroachment over the land in question in encroachment case no. 3/ 17-18 filed by the petitioner which is pending for the last 203 years.

iii) For also directing the concern respondents to obey the order of its higher official in removing the encroachment upon the public land as mentioned above in view of order dated 12.07.2019 passed by the District Magistrate, Nalanda (as contained in Annexure-3) and also in view of letter no. 156 dated 11.11.2019 (as contained in Annexure-5)

(iv) The writ petitioner also prays before this Hon'ble Court to hold and adjudicate that the land in question of the public land/ District Board and no one can permit to encroach over it.

(v) The writ petitioner prays before this Hon'ble Court to award exemplary cost against the concern respondents and who have failed to remove the encroachment and who are acting under collusion with private respondents, who



have encroached upon the government land.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Tharthari, District Nalanda for redressal of his aforesaid grievances. Liberty so sought is granted.

It is needless to state that in case the petitioner approaches the Circle Officer, Tharthari, District Nalanda, by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of 4 weeks from today, the same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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