

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4307 of 2022

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Mohammad Shamshad Alam Son of Late Mohammad Mustafa @ Mustufa,
Resident of Village - Bela Situhaar, P.O. - Situhaar, P.S. - Supaul, District -
Supaul, State - Bihar - 852130

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Chief Engineer, Flood Control and Water Release, Water Resources Department, Birpur, Supaul.
4. The Circle Officer, Supaul.
5. The Rehabilitation Officer, Koshi Project, Supaul.
6. Md. Anis, Son of Shekh Musay, Resident of Village - Chakdumariya Punarwas, P.O. - Pipra Khurd, P.S. - Supaul, District - Supaul, State - Bihar.
7. Md. Ashraf, Son of Md. Anis, Resident of Village - Chakdumariya Punarwas, P.O. - Pipra Khurd, P.S. - Supaul, District - Supaul, State - Bihar.
8. Md. Mashraf, Son of Md. Anis, Resident of Village - Chakdumariya Punarwas, P.O. - Pipra Khurd, P.S. - Supaul, District - Supaul, State - Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG 4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-11-2022 The present petition has been filed seeking the
following reliefs :-

“(i) For issuance of a direction, order or writ including writ in the nature of Mandamus, directing the respondent authorities especially the rehabilitation officer, Kosi project Supaul and Circle Officer, Supaul to remove the encroachment from the encroached site, issued vide memo no. 1243 dated 24.07.2015 of the Director, Land Acquisition & Rehabilitation,



Water Resources Department, Government of Bihar; Patna, whereunder the director of the said department has directed the Rehabilitation Officer, Koshi Project, Supaul to remove the encroachment by instituting an encroachment case under the Bihar Public Land Encroachment Act for emancipating the encroached land of the rehabilitation department.

(ii) For issuance of an appropriate writ/ writs, direction/ directions under the Circle Officer, Supaul to initiate proceeding by instituting an encroachment case against the private respondents (respondents no. 6 to 8) in pursuance of the letter dated 26.02.2020 passed by the Sub-Divisional Public Grievance Redressal Officer, Supaul.

(iii) For issuance of a direction/ directions, order/ orders or writ/ writs including writ in the nature of mandamus commanding the concerned respondent authorities under the rehabilitation department specially the respondent nos. 4 & 5 to remove the private respondent nos. 6 to 8 from the land of Rehabilitation Department, Koshi Project, Supaul which has been allotted in favour of the name of the petitioner's grandfather under the rehabilitation scheme by the rehabilitation department, Koshi Project, Supaul and settle the petitioner over the encroached lay out no. 7/125 area 5 dec. without further delay by taking effective steps against the unauthorized occupants."



At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Supaul 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, Supaul by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four 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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