

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24005 of 2018

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Rameshwar Tiwari S/o Late Sukhari Tiwari Resident of village-
Mahammadpur Maksudan, P.O.- Parsa, P.S.-Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. That Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate-cum-Collector, Muzaffarpur
5. The Senior Superintendent of Police, Muzaffarpur
6. The Sub-Divisional Magistrate, West Muzaffarpur
7. The Circle Officer, Sahebganj Anchal, Muzaffarpur
8. The Officer-in-Charge, Sahebganj Police Station, Muzaffarpur
9. Jitendra Tiwari S/o Late Binda Tiwari
10. Ram Swaroop Tiwari S/o Late Devkur Tiwari
11. Binod Tiwari S/o Late Anutha Tiwari
12. Akhilesh Tiwari S/o Ram Naresh Tiwari
13. Rajesh Tiwari S/o Late Nand Kishore Tiwari Private Respondent No. 9 to 13 are resident of village- Mahammadpur maksudan, P.O.-Parsa, P.S.- Sahebganj, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Verma, Advocate
For the Respondent/s : Mr.Subash Chandra Yadav- GP15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-09-2022 Though the present writ petition was filed for restraining the respondents from removing the encroachment in question, allegedly made by the petitioner as also for quashing the encroachment proceedings initiated vide Encroachment case no. 08 of 2017-18, by the Circle Officer, Sahebganj Anchal, Muzaffarpur i.e. the respondent no. 7, however, the learned



counsel for the respondent- State has filed a counter affidavit in the present case, wherein it has been stated that respondent no. 7 has already passed a final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, which has not been challenged by the petitioner till date, inasmuch as no appeal has been filed and since no interim order/ injunction has been granted in favour of the petitioner, in the ongoing suit filed by the petitioner, the encroachment has already stood removed.

In such view of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to pursue the Title Suit filed by the petitioner bearing Title Suit no. 47 of 2018, pending before the learned court of Munsif, West, Muzaffarpur. Liberty so sought, is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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