

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.857 of 2023

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1. Md. Sajid Hussain S/o- Md. Arif Hussain Resident of village - Jatwa, Ward No. 3, P.O.- Siswaniya, P.S.- Banjariya, District - East Champaran.
 2. Anirullah @ Amirullah Miyan S/o - Ajij Miyan Resident of village - Jatwa, Ward No. 3, P.O.- Siswaniya, P.S.- Banjariya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, East Champaran, Motihari.
2. The Collector-cum- District Magistrate, District - East Champaran, Motihari.
3. The Addl. Collector, District- East Champaran, Motihari.
4. The Sub-Divisional Officer, Sadar, Motihari, East Champaran.
5. The Circle Officer, Anchal- Banjariya, District- East Champaran at Motihari.
6. The Circle Inspector, Anchal- Banjariya, District- East Champaran at Motihari.
7. The Anchal Amin, Anchal- Banjariya, District- East Champaran at Motihari.
8. Najamul Haque S/o - Late Samsul Haque, Sl. No. 9 R/o Village - Jatw, P.S. and Anchal - Banjariya, District - East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-07-2023 The present writ petition has been filed seeking the following reliefs:-

“a) For issue appropriate writ/s, order/s, direction/s in the nature of Mandamus for commanding the respondent Circle Officer, Anchal Banjaria, District- East Champaran, Motihari, to implement the Administrative order dated 24.09.2022 passed in Case No. 149 M / 2022 by the Sub Divisional Officer, Sadar, Motihari whereby and where under the S.D.O.



Sadar directed to the Circle Officer to demolish the boundary wall of Govt. land encroached by the private Resp. No. 8 which is common Rasta of the petitioners and local public of the concerned area.

b) To issue appropriate writ/s, order/s, directions in the nature of Mandamus, for commanding the respondent authorities to remove the encroachment Gairmajarua (Rasta) land, appertaining to Mauza Jatwa, bearing Khata No. 268 Plot No. 657, upon which the private Resp. No. 8 constructed illegal boundary which only way of the petitioners to go out-side from his residential home, as well as people of the locality, upon which the petitioner gave several applications to the respondents to remove the encroachment, which is forcefully encroached by the respondent no. 8.

c) To issue appropriate writ/s, order/s, directions for strict compliance of the order passed by the respondent No.4, the S.D.O. Sadar Motihari in Encroachment Case No. 149M/2022 by which the learned S.D.O. Sadar Motihari directed to the circle officer, to remove the illegal construction of boundary wall of Resp. No. 8 and also cancel the illegal Mutation of Resp. No. 8 who created forged document of Mutation in connivance with the staff of Block.”

The learned counsel appearing for the private



respondent no.8 seeks to file a counter affidavit, which is taken on record.

The learned counsel for private respondent no.8 and the learned counsel appearing for the State have jointly submitted that though the present writ petition has been filed for implementation of the order dated 24.09.2022, passed by the Sub-Divisional Officer, Sadar, Motihari, in Case No.149 M/2022, however, the same has already been set aside by an order dated 12.12.2022, passed by the learned Additional Session Judge-V, East Champaran at Motihari in Criminal Revision No.325 of 2022, hence the present writ petition has been rendered infructuous.

Accordingly, the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

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