

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4790 of 2017

1. Shankar Pd.
2. Bhola Pd. Both Sons of Dimagi Pd. R/o Village-Sakarpura, P.S.-Dhanarua, District-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Revenue Deptt., Bihar, Patna.
2. Sub- Divisional Officer, Masaurhi, Patna.
3. The Circle Officer, Dhanarua, Patna
4. The Executive Magistrate, Masaurhi, Mr. Shashi Kumar Singh
5. Vijay Pd.
6. Surendra Prasad
7. Ravindra Prasad All Sons of Shiv Nandan Pd. R/o Village-Sakarpura, P.S. Dhanarua, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad, Adv.
For the Respondent/s : Mr.Md. Ebadur Rahman Shakeb, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-04-2023 The present writ petition has been filed seeking the following relief:-

“1. That this is an application for issuance appropriate writ(s), order (s), direction (s) or a writ in the nature of Certiorari for quashing the order vide Memo no.-5 dated 7.1.2017 issued under the signature of Sub- Divisional Officer Masaurhi by which he was pleased to direct the Circle officer Dhanarua Patna to release the land bearing Mauza Sakarpura P.S No.-140, Khata



no.-80, Plot no.-599, measuring an area 1.95 acres of land from the hands of Shankar Pd. And further passed the order vide memo no.125 dated 24.1.2017 issued passed by C.O. Dhanarua respectively, by which Circle Officer, also directed do release the land stated above from the encroachers and further command the respondents not interfere in any manner with right and possession of the land in question of the petitioners.”

At the outset, the learned counsel for the Respondent-State has referred to the counter affidavit, filed in the present case, more particularly paragraph no. 8 thereof, wherein it has been stated that the Circle Officer, Dhanarua, District-Patna, had initiated encroachment proceeding vide Encroachment Case No. 1 of 2015-16 and thereafter, the encroachment in question has also been finally removed on 28.6.2017, hence, it is submitted that the present writ petition has been rendered infructuous.

Considering the aforesaid submissions made in the counter affidavit, filed on behalf of the Respondent-State, I deem it fit and proper to dispose off the present writ petition, while granting liberty to the petitioner to agitate his subsisting grievances, if any, before the Respondent authorities.

The writ petition stands disposed off on the aforesaid



terms.

(Mohit Kumar Shah, J)

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