

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6751 of 2017

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Lal Bahadur Shashtri son of Late Ganesh Sah, resident of Village- Pratap Patti, P.S.Circle Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Muzaffarpur.
2. The Collector, Muzaffarpur.
3. The Addl. Collector, Muzaffarpur.
4. The Circle Officer, Circle Sahebganj, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Upendra Kumar Chaubey, Advocate
	:	Ms. Sweta Kumar, Advocate
For the Respondent/s	:	Mr.Md.Khurshid Alam-AAG 12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-04-2023 The present petition has been filed seeking the following relief :-

“(i) For issuance of a writ in the nature of certiorari to quash the notice as contained in Memo No. 457 dated 16.3.2017 as well as the notice dated 24.3.2012 issued in Case No. 6/11-12 under section 6(2) of the Bihar Public Land encroachment Act and also the order dated 24.3.2012 and subsequent orders passed by the circle officer, Sahebganj, Muzaffarpur in Encroachment Case No. 6/11-12 whereby the petitioner and others have been directed to remove the Encroachment or an area of 420(6x70) square Kari over the plot no.435



which is public Rasta.

(ii) Further for issuance of a writ in the nature of Mandamus and any other appropriate writ, order or direction Commanding upon the respondents to measure the road plot no.435 in presence of the petitioner and his Amin and if any part of petitioner's house is found under encroachment area, the petitioner would remove the encroachment of his house.

(iii) Further for direction to the respondents to get measurement of the entire public road plot no. 435 in Sahebganj Nagar Panchayat and take action in accordance with law to remove the encroachment over the said road."

At the outset, the learned counsel for the petitioner has referred to paragraph no. 9 of the counter affidavit, filed by the respondent- State to submit that upon re-measurement, no encroachment has been found over Khesra no. 435 and the road is operational, hence, the present petition be disposed off in light of the said statement made by the respondent- State in the counter affidavit, filed in the present case.

Accordingly, the present writ petition stands



disposed off as not pressed, however, taking note of the
aforesaid statement made in paragraph no. 9 of the counter
affidavit.

(Mohit Kumar Shah, J)

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