

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20604 of 2018

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1. Ashok Saw and Anr Son of Sheo Balak Saw Resident of Mohalla-Talibpur, Ward No. 14, P.O./P.S.-Barh, District-Patna
 2. Sunil Saw @ Sunil Kumar @ Sunil Kumar Saw Son of Sheo Balak Saw Resident of Mohalla-Talibpur, Ward No. 14, P.O./P.S.-Barh, District-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector-cum-D.M., Patna
3. The Sub Divisional Officer, Barh, District-Patna
4. The Anchal Adhikari, Barh, P.S. Barh, District-Patna
5. The Executive Officer, Nagar Parishad, Barh, District-Patna
6. Rajesh Kumar Son of Late Charitra Prasad Resident of Mohalla-Talibpur, Ward No. 14, P.O./P.S.-Barh, District-Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sidhendra Narayan Singh, Advocate
For the State	:	Mr. Raj Kishore Roy- GP18
		Ms. Prerna Anand, AC to GP-18
For the respondent no.5	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10-02-2023 Heard Mr. Sidhendra Narayan Singh, learned counsel appearing on behalf of the petitioner, Mr. Raj Kishore Roy, learned GP-18 for the State and Mr. Ashok Kumar, learned counsel for the respondent no.5.

2. Learned counsel appearing on behalf of the petitioner submitted that as per the Annexure- B and C to the counter affidavit filed on behalf of the respondent nos. 3 and 4, the encroachment has already been removed. However, the petitioner is apprehensive that the Circle Officer, Barh, Patna,



has acted in illegal manner on the basis of complaint made by the Executive Officer, Nagar Parishad, Barh, which lead to the filing of the present writ petition. He further draws attention to order dated 24.08.2017 passed in CWJC No. 12174 of 2017 that earlier also the Circle Officer with vested interest had initiated encroachment proceeding against the petitioner under the provision of Bihar Public Land Encroachment Act, 1956 and vide Annexure-3 after being satisfied that no encroachment has been made by the petitioner and parallel proceeding was being initiated by the Nagar Parishad, Barh, therefore, there cannot be two proceeding for the same cause of action. He further submitted that vexatious and colourable exercise of the Circle Officer as well as Executive Officer, who is vindictive with the petitioner can again play mischief with the petitioner.

3. Mr. Raj Kishore Roy, learned GP-18 submitted that petitioner has removed the encroachment and to that effect statement has been made in paragraph nos. 9, 10 and 11 to the counter affidavit filed on behalf of the respondent no. 3 and 4.

4. Considering the rival submission as well as on perusal of the records and in light of the admitted fact that encroachment has already been removed, which was made by the petitioner in front of his shop measuring 2 feet*20 feet.



5. Accordingly, the present writ petition is consigned.

(Purnendu Singh, J)

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