

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1218 of 2022

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Md. Kasim Son of Late Samsuddin, Resident of Village - Bagdar, P.S.
Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. Additional Collector, Land Ceiling, Katihar.
3. Deputy Collector, Land Reforms, Barsoi, Sub-Division-Katihar.
4. The Circle Officer of Azamnagar Circle, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Adv.

For the Respondent/s : Mr.Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 20-03-2023 In pursuance to the earlier order of this Court dated 27.2.2023, the learned counsel for the petitioner has produced original copy of the notices dated 25.8.2021 and 21.12.2021, which are taken on record.

The superintendent of Police, Katihar has also filed a report dated 16.3.2023, before the Registrar General of this Court, which has been placed before this Court, wherein it has been stated that the Members of the Special Investigation Team have conducted a preliminary investigation and have found the complicity of the Circle Officer, Azamnagar, Sri Sanjay Kumar



and their associates, who are alleged to have committed forgery and accordingly, an FIR bearing Azamnagar P.S. Case No. 94/23, dated 15.3.2023, has been registered against the Circle Officer, Azamnagar and others.

As far as the merits of the case are concerned, admittedly, the Encroachment Case No. 38/2019-20 does not pertain to the plot of the petitioner in question, inasmuch as the same pertains to Khata No. 126, Khesra No. 306, situated at Mauza- Bagdar, Circle-Azamnagar, District-Katihar and not to the plot of the petitioner, which is situated at Khata No. 22, Plot No. 371, hence, it is submitted by the learned counsel for the Respondent-State that in case, they propose to proceed against the petitioner, they shall do so by taking recourse to the due process of law, however, at the moment, no proceedings are pending qua the petitioner herein.

As far as the original records of the case, which have been deposited before the Registrar General of this Court and the two notices, which have been handed over to this Court by the learned counsel for the petitioner, are concerned, the same be returned back to the District Magistrate, Katihar, who shall depute a special messenger to collect the same and in case, the Police Officials require the same for further investigation, they



shall be free to obtain the same from the office of the District
Magistrate, Katihar.

The writ petition stands disposed off on the aforesaid
terms.

(Mohit Kumar Shah, J)

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