

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1623 of 2023

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1. Md. Rahup @ Md. Raufa @ Md. Rauf Son of Late Ali Mohmad @ Md. Auli. Resident of Village- Bhaluka Dharampur, P.O. and P.S.- Kusheshwar Asthan, District- Darbhanga.
 2. Md. Nizamuddin @ Md. Nizam Son of Md. Aziz @ Aziz Mian. Resident of Village- Bhaluka Dharampur, P.O. and P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Darbhanga.
4. The Sub-Divisional Officer, Biraul Sub-Division, District- Darbhanga.
5. the Deputy Collector Land Reforms, Biraul, District- Darbhanga.
6. The Circle Officer, Kusheshwar Asthan (East), P.S.- Kusheshwar Asthan, District- Darbhanga.
7. Md. Rahmat Son of Late Md. Aziz, Resident of Village- Dharampur, Anchal- Kusheshwar Asthan (East), P.O. and P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Nibash Prasad, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC25)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 22-11-2023

Heard the parties.

2. This application has been filed for quashing of the order dated 17.08.2018 passed by the Collector-cum-District Magistrate, Darbhanga in Misc. Appeal Case No. 151 of 2016 and also quashed the order dated 04.09.2018 passed by the Anchal Adhikari, Kusheshwar Asthan, East Darbhanga in Encroachment Case No. 02 of 2018-19.

3. From the impugned order dated 17.08.2018 passed



by the Collector-cum-District Magistrate, Darbhanga in Misc. Appeal Case No. 151 of 2016, it is apparent that petitioner had not been heard by the Collector-cum-District Magistrate, Darbhanga and he directed the Circle Officer, Kusheshwar Asthan, East Darbhanga to remove the encroachment in Encroachment Case No. 02 of 2018-19.

4. The Circle Officer, Kusheshwar Asthan, East Darbhanga will hear the petitioner and also consider the case of the petitioner in Encroachment Case No. 02 of 2018-19. He shall not be influenced by any observation of the Collector-cum-District Magistrate, Darbhanga of the order dated 17.08.2018 in Misc. Appeal Case No. 151 of 2016.

5. Till disposal of Encroachment Case No. 02 of 2018-19 by the Circle Officer, Kusheshwar Asthan, East Darbhanga possession of the petitioner shall not be disturbed.

6. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Harsh/

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