

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14069 of 2017

=====

Anarchand Mukhia Son of Late Surendra Mukhia, Resident of Ward No. 8,
Hingwapatti, Yashodapur, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue & Land Reforms, Bihar, Patna.
2. The Divisional Commissioner, Purnea Division, Purnea.
3. The District Magistrate, Araria.
4. The Sub Divisional Officer, Farbisganj, Araria.
5. The Circle Officer, Bhargama, Araria.
6. The Superintendent of Police, Araria.
7. The Officer-in-Charge, Bhargama, Police Station- Bhargama, District- Araria.
8. Jamun Mukhiya, Son of Late Sukal Mukhia, Resident of Village- Ward No. 8, Hingua Patti, Yashodapur, P.S.- Bhargama, District- Araria.
9. Jago Mukhia, Son of Lodhai Mukhia, Resident of Village- Yashodapur, P.S.- Bhargama, District- Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the State : Mr.S.C.Yadav - Gp15

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-04-2023 The present writ petition has been filed seeking the following relief:-

*“That this writ application is being filed
on behalf of the petitioner in the nature of writ /
writs, order / orders, direction/ directions to the
Respondents to remove the obstruction of the Aam
Rasta / Public land / Rasta encroached by the*



Respondent No. 8 and 9 situated at Mouza Hingwapatti Thana No.135, and Mouza Yashodapur, Thana No.-134, Khata No.234 and 63, Khesra No.484, 485, and 132, Area 07 Kadi from south and 28 Kadi from North after several directions of Circle Officer, Bhargama, Araria (Respondent NO. 5), in Public Land Encroachment Case No. 05/2014-15 the Respondent nos. 8 and 9 have not vacated the encroached public land.”

At the outset, the learned counsel for the respondent-State has referred to the counter affidavit, filed in the present case, to submit that the Circle Officer, Bhargama has already dropped the encroachment proceedings vide order dated 18.10.2016 passed in Encroachment Case No.05 of 2014-15, hence, if the petitioner is aggrieved, he can file appropriate appeal.

In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 18.10.2016 passed by the Circle Officer, Bhargama in connection with Encroachment Case No.05 of 2014-15 by filing appropriate appeal. Liberty so sought is granted.

It is needless to state that in case appropriate appeal is filed, within a period of four weeks from today, the appellate authority shall consider the same on merits, without being impeded by the issue of limitation and pass a reasoned and a



speaking order thereon, in accordance with law, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

