

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19858 of 2016

1. Ram Sagar Sharma
2. Ramdharan Sharma, Both sons of Late Shri Kishun Sharma, resident of Village- Barwa, P.S.- Govindganj, P.O.- Areraj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, East Champaran, Motihari.
2. The District Magistrate, East Champaran, Motihari.
3. The Senior Deputy Collector, District Revenue Section, East Champaran, Motihari.
4. The Sub-Divisional Magistrate, Areraj, East Champaran.
5. The Circle Officer, Areraj, Block- Areraj, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shri Prakash Srivastava, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha-SC19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-04-2023 The present writ petition has been filed
seeking the following reliefs:-

"i. To issue a writ in the nature of certiorari for quashing of the notice dated 08.07.2016 (Annexure-3) passed in Encroachment Case No.15/12-13 issued under the signature of respondent no.5 by which the respondent no.5 directed the petitioner to vacate the land situated in the village- Barwa, Khata No.216, Plot No.426 appertaining an Area of 0-4-19 on or before 21.07.2016 as the said



notice is per se illegal, unauthorized and against the entry made in the revenue records.

ii. To issue a writ in the nature of certiorari for quashing of the notice dated 08.07.2016 (Annexure-3) passed in Encroachment Case No.15/12-13 issued under the signature of respondent no.5 by which the respondent no.5 in complete departure of the entry made in the revenue record directed the petitioner to vacate the so-called and self styled designation of the lands village-Barwa, Khata No.216, Plot No.426 appertaining an Area of 0-4-19 as the public land.

iii. To stay the operational affect of the notice dated 08.07.2016 (Annexure-3) passed in Encroachment Case No.15/12-13 issued under the signature of respondent no.5 till the disposal of instant application as admittedly and acceptably, in contemplation to the application filed by the petitioner the respondent no.3 issued a notice bearing letter no.726 dated 05.08.2016 (Annexure-5) sought for a report from the respondent no.4 and the application against the said



notice dated 08.07.2016 (Annexure-3) the representation of the petitioner dated 01.08.2016 is pending before the respondent no.2 and till date no coercive steps have been taken with respect to removal of the petitioner from the lands situated in the village- Barwa, Khata No.216, Plot No.426 appertaining an Area of 0-4-19."

At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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