

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17527 of 2017

=====

Rajendra Thakur S/o- Late Kamaldev Thakur, Resident of Village-
ChichriBujurg, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Land Reforms Deputy Collector, Madhubani.
2. Land Reforms Deputy Collector, Madhubani.
3. Circle Officer, Rajnagar, Madhubani.
4. Kusheshwar Purvey, S/o- Late Mahabir Purvey, Resident of Village-
ChichriBujurg, P.S.- Rajnagar, District- Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate
For the Respondent/s : Md. Khurshid Alam, AAG- 12

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-04-2023 The present writ petition has been filed
seeking the following relief:-

“1(i). For quashing the appellate order dated 25.08.2017 passed by the District Magistrate, Madhubani in Land Encroachment Appeal Case No. 26/2012, after calling for the same as it was not delivered to the petitioner despite filing of requisition on 07.10.2017 itself, whereby while dismissing the appeal, directed the Circle Officer, Rajnagar, Madhubani (R3) to vacate 4 dhurs of public land appertaining to C.S. Khata No. 161 (new-499), plot no. 683 (new-395), situated in Mouza- ChichriBujurg, P.S.- Rajnagar, District-



Madhubani possessed by the petitioner.

(ii) For quashing the order dated 18.06.2012 passed by the Circle Officer, Rajnagar, Madhubani in Public Land Encroachment Case No. 14/2009-10 whereby the petitioner was directed to remove encroachment from 4 dhurs of the public land appertaining to C.S. Khata No. 161, Plot No. 683 situated in Mouza-ChichriBujurg, P.S.-Rajnagar, Madhubani.

Further a writ of Mandamus be issued:-

(iii) For direction to the respondent no. 3 not to take steps in haste for removal of alleged encroachment as he is seriously contesting the suit bearing T.S. No. 103/2016 filed by the petitioner against the State of Bihar and others in the court of 1st Sub Judge, Madhubani for declaration of title and confirmation of possession as also for perpetual injunction."

At the outset, the learned counsel for the petitioner submits that the petitioner has already preferred a title suit bearing Title Suit No. 103 of 2016, which is pending before the learned court of Sub Judge-1st, Madhubani, hence he be permitted to pursue the same, however, it be observed that



the aforesaid order dated 18-06-2012 passed by the Circle Officer, Rajnagar, District- Madhubani and the appellate order dated 25-08-2017 passed by the District Magistrate, Madhubani shall not prejudice the suit proceedings. Liberty so sought is granted.

It is a well settled law that cases are to be decided on the basis of pleadings made, evidence adduced (oral and documentary) and in accordance with law without being swayed by extraneous materials.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

