

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4994 of 2023

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Santosh Kumar Singh Son of Late Vishwanath Singh @ Vishwanath Ray Resident of Village-Korari Khurd, P.O. and P.S.-Daraunda, District-Siwan-841233

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Land Reform Department, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Deputy Collector Land Reform, Siwan.
5. The District Programme Officer, Siwan.
6. The Sub-Divisional Officer, Siwan.
7. The Circle Officer, Daraunda, District Siwan.
8. Dilip Tiwary son of Late Bhuneshwar Tiwary, Resident of Village-Korari Khurd, P.O. and P.S.-Daraunda, District-Siwan-841233.
9. Baccha Tiwary, son of Late Bijendra Tiwary, Resident of Village-Korari Khurd, P.O. and P.S.-Daraunda, District-Siwan-841233.
10. Uma Tiwary, son of Late Ramjatan Tiwary, Resident of Village-Korari Khurd, P.O. and P.S.-Daraunda, District-Siwan-841233.
11. Umesh Tiwary, son of Bhishm Tiwary, Resident of Village-Korari Khurd, P.O. and P.S.-Daraunda, District-Siwan-841233.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brajesh Kumar Singh, Advocate Mr.Sumit Kumar, Advocate
For the State	:	Mr.Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“(1) For issuance of writ in the appropriate nature commanding and directing the Respondent authorities to produce the entire order sheet of Encroachment Case No. 03/2021-22 as despite of filing application



for getting certified copy the same is not being provided and after hearing of the party your Lordships be pleased to set aside the final order whereby the order of removal of encroachment was passed behind the back of the petitioner.

(ii) For further direction to the Respondent authorities to get enquire into the matter for illegal action of the Respondent Circle Officer, Daraunda but behind the back of the petitioner passed final order or removal of encroachment and removed the encroachment demolishing the house keeping record in their own file without providing certified copy debarring the petitioner from filing an appeal and putting the petitioner in hostile manner has not removed the encroachment relating to Bijendra Tiwary, Uma Tiwary who are private Respondents here and submitted wrong report to the Sub-Divisional Officer in Public Grievance Redressal case and after enquiry take appropriate action for submission of false report.

(iii) For further direction to the Respondent authorities to restore the possession of the petitioner as relating to the same land a Title Suit is pending wherein the State of Bihar is party and despite of the knowledge has removed encroachment.

(iv) For further grant of compensation for illegal removal of encroachment by not



providing certified copy of adopting pick and choose policy for oblique motive.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the final order dated 12.07.2023, passed by the Circle Officer, Daraunda, District-Siwan, in connection with Encroachment Case No.03 of 21-22, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

3. 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, in accordance with law, forthwith.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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