

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4537 of 2023

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Mangni Ram Choudhary S/o Yogendra Choudhary, resident of Village and Post-Pokhram, P.S.-Biraul, District-Darbhangha, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Darbhanga.
2. The Collector, Darbhanga at and P.O.-laheriasarai, Town and District-Darbhangha.
3. The Circle Officer, Biraul, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Jha,Adv.
For the Respondent/s : Mr.Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-05-2023

At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, duly sworn by the District Magistrate, Darbhanga, which is taken on record.

The present writ petition has been filed seeking the following relief:-

"1. I. To quash/set-aside notice dt. 21.2.2023 in Form -II (Annexure- P5) issued by the Circle Officer, Biraul, Darbhanga (Respondent No. 3) in Encroachment Case No. 6/2022-23, whereby petitioner has been ordered to remove the encroachment or else the same will be removed by use of Police force and,

II. To quash /set-aside the



*Encroachment Case No. 6/ 2022-23
initiated by the Circle Officer, Biraul,
Darbhanga (Respondent No. 3)
against the petitioner and,*

*III. To direct the Circle Officer, Biraul,
Darbhanga (Respondent No. 3) not to
disturb the physical possession of the
petitioner over his purchased land
and residential building situated
thereon since last 60 years.”*

At this juncture, considering the averments made in the counter affidavit, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the final order dated 20.02.2023, passed by the Circle Officer, Biraul in connection with Encroachment Case No. 6 of 2022-23 by filing appropriate Appeal. Liberty so sought is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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