

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5494 of 2023

Subedarnath Singh Son of Mundrika Singh, Kitapur, Bimawan, P.S.
Jagdishpur, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara.
2. District Magistrate-cum-Collector, Bhojpur (Ara), District-Bhojpur.
3. The Additional Collector, Jagdishpur, Bhojpur (Ara), District-Bhojpur.
4. Sub Divisional Officer, Jagdishpur, Bhojpur (Ara), District-Bhojpur.
5. Circle Officer, Jagdishpur, Bhojpur (Ara), District-Bhojpur.
6. Officer-in-Charge, Jagdishpur P.S. Jagdishpur, Bhojpur (Ara), District-Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms.Alka Singh, Advocate Mr.Sumeet Kr. Singh, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1(I) That the present writ application is being filed in the nature of Certiorari for setting aside the order dated 07.09.2022 passed in case no. 529210321032201713/2A by the Second Appellate Authority Cum District Magistrate, Bhojpur at Ara under Bihar Right to Public Grievance Redressal Act, 2015 (herein after referred as "Act, 2015") with regard to the land situated in Mauja-Bimawan, Khata No. 727, 726, Area- 795, 2736, 2737 area 9 decimal and 16 decimal, 14 decimal; on the ground that the



second appellate authority has not directed the Circle Officer, Jagdishpur at Ara to Act under the Bihar Public Land Encroachment Act, 1956 and decide the same, the said land Encroachment is pending since long there is no order being passed directing or taking action under the Act, 2015 despite of opening of the Land Encroachment Case No. 02/2022-23 by the Circle Officer, Jagdishpur, respondent no.5.

(II) That the present writ application is being filed in the nature of Mandamus for a direction to the respondent no.5 to decide Land Encroachment Case No. 02/2022-23 in relation to the land situated in Mauja-Bimawan, Khata No. 727, 726, Area- 795, 2736, 2737 area 9 decimal and 16 decimal, 14 decimal at the earliest and pass final order under the Land Encroachment Act, 1956;”

2. At the outset, the learned counsel for the respondent-State has submitted by referring to the counter affidavit filed in the present case that the Circle Officer, Jagdishpur had initiated encroachment proceedings vide Encroachment Case No.02 of 2022-23 and after the same was taken to its logical conclusion, the encroachment in question has already been removed. In response thereof, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail



appropriate remedies, in case the encroachment resurfaces.
Liberty so sought is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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