

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6600 of 2023

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Rajendra Ray Son of Ramgati Ray, Resident of Village-Kamarji Fatehpur,
P.S.-Gaurichak, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principle Secretary Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Patna.
3. The Sub Divisional Officer, Patna Sadar, Patna.
4. The Anchal Adhikari Sampatchak, Patna.
5. The Officer in Charge Gaurichak, District Patna.
6. Anil Singh, Son of Late Ramadhar Singh, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
7. Ashok Singh, son of Late Raghu Singh, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
8. Arun Singh, son of Ram Chandra Singh, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
9. Singhasan Singh son of Late Raghu Singh, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
10. Munna Singh, son of Ram Ekbal Singh, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
11. Lal Bahadur Rai, son of Late Dwarik Ray, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
12. Ram Anugrah, son of Late Sukhdeo Ram, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
13. Dasai Thakur, son of Late Bodhi Thakur, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
14. Arabi Rai, son of Late Baldeo Rai, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
15. Mahesh Ram, son of Late Mithilesh Thakur, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.
16. Mukesh Thakur, son of Late Mithlesh Thakur, Resident of Village-Kamarji, P.S.-Gaurichak, District-Patna, Pin Code-803206.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

2 26-07-2023 1. The present writ petition has been filed seeking the following reliefs:-

“1. (i) That the petitioner prefers the present writ application for the issuance of a writ in the nature of Mandamus or an appropriate writ or commanding the respondents authorities has to remove the encroachment from the land of the paeen situated at village-Kamarji Thana No. 136, Khata No 153, Khesra No. 765 and 782.

(ii) To issue further appropriate writ order or direction commanding the respondents to remove the encroachment from the public water bodies (Pacin).

(iii) To issue further appropriate writ order or direction commanding the respondents to fix the responsibility over the responsible officer as District Magistrate to ensure the proper protection maintenance and improvement of the paeen after removal of encroachment and also to prevent any further re



encroachment.

(iv) To issue further appropriate writ order or direction in for which land encroachment proceeding had already been initiated being Encroachment Case No. 8/2022-2023 and have been ordered to remove the encroachment.

(v) To issue further appropriate writ order or direction commanding the respondents to link connect public water body with river Punpun so that the nature and existence of public water body is preferred and maintained its.

(vi) This Hon'ble Court may adjudicate and hold that it was the duty of the respondent authorities to protect, preserve and maintain the public water body as a paeon which was encroachment and made their houses upon that and large number of plots are covered by logging water which was stopped by making house.

(vii) This Hon'ble Court may further



adjudicate and hold that the action of respondent authorities is not taking proper steps for protection of the public water body and negligence resulting into large number of houses have been made over the public land (paeon) water bodies is an act of malafide and arbitrary exercise of authority by the respondents."

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

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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