

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6325 of 2023**

Sanjay Kumar Son of Sri Ram Nath Mandal Resident of Mohalla- East Ashok  
Nagar, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department Government of Bihar, Patna.
2. The Principal Secretary, Revenue Department Government of Bihar, Patna.
3. That Principal Secretary Home Department Government of Bihar, Patna.
4. The District Magistrate, District- Patna.
5. The Sub Divisional Officer, Sub Division Patna Sadar, District- Patna.
6. The Deputy Collector land Reform, Sub Division Patna Sadar, District- Patna.
7. The Circle Officer (C.O.) , Phulwari Shariff, District- Patna.
8. Shri Pawan Rai S/O of Sri Gajakaran Rai Resident of Village- Jaganpura, P.S.- Ram Krishna Nagar, District- Patna.
9. Shri Vakil Ray Son of Sri Gajkaran Ray R/o of Village- Jaganpura, P.S.- Ram Krishna Nagar, District- Patna.
10. Shri Dhanik Rai Son of Sri Gajkaran Ray R/o of Village- Jaganpura, P.S.- Ram Krishna Nagar, District- Patna.
11. Shri Bimlesh Ray Son of Late Ashok Ray R/o of Village- Jaganpura, P.S.- Ram Krishna Nagar, District- Patna.
12. Shri Praveen Kumar Singh, Son of Late Rajballabh Singh Village P.O.- Mangal Bazar, Navinagar, P.S.- Navinagar, District- Aurangabad.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Prasad Singh  
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      17-10-2023                      The present writ petition has been filed seeking the  
following relief:-

“1. That this is an application praying for issuance  
of writ/ writs ceretiorari of appropriate in nature  
for directing and commanding to the respondents



for removal of the encroachment from the land of the way of the residential land of the petitioner which has been illegally encroached by the private respondents party from all around in such position there is no way to come and go of the petitioner at his residential land whenever the petitioner has approached before the State Respondents and filed an application before the S.D.O. Sub Divisional Patna Sadar which has been entertained in 1163 (M)/2014 and the S.D.O. Patna Sadar passed order and given direction to the C.O. Phulwarishariff, District- Patna to start proceeding of demarcation on application of the petitioner for the land of the way. Accordingly, the petitioner submitted application before the C.O.- Phulwarisharif with annexed the order passed by the S.D.O. Patna Sadar but ignoring this the C.O. phulwarisharif passed order for measurement of the land of the petitioner on place of measurement of the way of the land which has been illegally encroached by the private respondents and after measurement of the phulwarishariff closed the proceeding and till the date no encroachment has been removed from the way of the residential land of the petitioner. The petitioner has also filed representation before the respondents as per order dated 18.08.2022 passed by the Hon'ble Court in C.W.J.C. No. 2955/2021 but till the date no action taken by the respondents.”



2. After some arguments, 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 including that of filing a suit before the learned Civil Court having competent jurisdiction. Liberty, so sought, is granted.
3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

Ajay/-

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