

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6828 of 2023

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Gopal Kumar Mahto Son of Late Ramsevak Mahto Resident of ward No. 2,
Village- Bedulia, Post Office- Meghaul, Police Station- Khodawandpur,
District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The District Collector, Begusarai.
3. The Deputy Collector Land Reforms, Manjhaul, District Begusarai.
4. The Circle Officer, Chhaurahi, District Begusarai.
5. Dashrath Roy Son of Styra Narayan Roy Resident of Village Amari Tola Bardaha, Anchal Chhaurahi, Police Station- Khodawandpur (Chhaurahi O.P.) District Begusarai.
6. Ram Bihar Jha Son of Babu Prasad Jha Resident of Village Amari Tola Bardaha, Anchal Chhaurahi, Police Station- Khodawandpur (Chhaurahi O.P.) District Begusarai.
7. Upendra Jha Son of Late Sobha Jha Resident of Village Amari Tola Bardaha, Anchal Chhaurahi, Police Station- Khodawandpur (Chhaurahi O.P.) District Begusarai.
8. Nabina Devi Wife of Dashrath Roy Resident of Village Amari Tola Bardaha, Anchal Chhaurahi, Police Station- Khodawandpur (Chhaurahi O.P.) District Begusarai.
9. Most. Tara Devi Wife of Satya Narayan Roy Resident of Village Amari Tola Bardaha, Anchal Chhaurahi, Police Station- Khodawandpur (Chhaurahi O.P.) District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Adv.
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-06-2023 The present writ petition has been filed seeking the
following relief:-

*“1. That this is an application praying for issuance
of a writ in the nature of a writ of certiorari or any
other appropriate writ, order or direction, for setting*



aside the order dated 12.04.2022 passed in Encroachment Appeal No. 65/2013 by the Collector, Begusarai whereby the restoration application of the petitioner has been rejected by the learned District Collector, it is further prayed for issuance of a writ in the nature of a writ of Certiorari or any other writ, order or direction directing the respondent authority to consider the Encroachment Appeal No-65/2013 of the petitioner on merits and after hearing the parties pass appropriate order in accordance with law.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer-Chhaurahi, District Begusarai, for redressal of his grievances, regarding removal of encroachment made over the public land appertaining to Khata No.548, Khesra No.156, Mauja-Amari, Manjhaul, Begusarai. Liberty so sought is granted.

At this juncture, the learned counsel for the petitioner submits that the Circle Officer-Chhaurahi, District Begusarai, be directed not to be prejudiced by rejection of the case of the petitioner by the Deputy Collector Land Reforms, Manjhaul, District-Begusarai, as also by the Appellate Authority i.e. the District Magistrate, Begusarai and instead be directed to consider the case of the petitioner on merits. In such view of the



matter, it is directed that the Circle Officer, Chhaurahi shall examine the case of the petitioner objectively.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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