

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19341 of 2016

Sanjay Prasad @ Sanjay Kumar Sah Son of Late Baiju Sah, resident of Village- Kanhauli MANohar, Police Statio- Baniyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Saran Division, Chapra.
3. The Collector-cum-District Magistrate, Saran at Chapra.
4. The Deputy Collector, Land Reforms, Sadar, Chapra.
5. The Circle Officer, Baniyapur, District- Saran.
6. Munna Sah, son of Late Churaman Sah, resident of Village Kanhauli Manohar, Police Station- Baniyapur, District- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.P.N. Shahi, Sr. Advocate
For the Respondent/s : Mr.Md.Majid Mahboob Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-03-2023 The present writ petition has been filed seeking the following relief:-

“1. (i) For setting aside the order dated 11th May, 2016 passed by learned Member, Administrative, Bihar Land Tribunal, Patna in B.L.T. Case No. 1320 of 2015 (Annexure-4) whereby and whereunder he has been pleased to uphold the appellate order dated 08.09.2015 passed by the Commissioner, Saran Division, Chapra in BLDR Appeal No. 68 of 2015 and has dismissed the aforesaid



case filed by the petitioner.

(ii) For setting aside the order dated 08.09.2015 passed by the Commissioner, Saran Division, Chapra (Respondent no. 2) in BLDR Appeal No. 68 of 2015 (Annexure-3) whereby and whereunder he has been pleased to dismiss the said appeal filed by the petitioner against order dated 10.02.2015 passed by the Deputy Collector, Land Reforms, Sadar, Chapra in BLDR Case No. 64 of 2014-15 (wrongly mentioned as BLDR Case No. 04/2014-15).

(iii) For setting aside the order dated 10.02.2015 passed by the Deputy Collector, Land Reforms, Sadar, Chapra in BLDR Case No. 64 of 2014-15 as contained in Annexure-2, whereby and whereunder he has been pleased to hold that both the parties (i.e. the petitioner and the private respondent herein) failed to substantiate their claim in respect to the disputed piece of land and since the said land is recorded in the Survey Khatian as Gairmazarua Malik, the Circle Officer, Baniyapur is



directed to get the land measured, seek evidence from both the parties in respect to their claims over the disputed land and in case they are not successful in substantiating their claim, a proceeding for removal of encroachment should be initiated.”

At the outset, the learned senior counsel for the petitioner has submitted that not only the petitioner has filed a suit bearing Title Suit No. 280 of 2022, which is pending before the learned Court of Sub-Judge-I, Chapra but the learned Collector, Saran at Chapra has passed an order dated 18.02.2016 in Land Encroachment Appeal No. 03 of 2015, whereby it has been held that the land in question is not a public land, hence the present writ petition has been rendered infructuous.

In view of the aforesaid, the writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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