

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6901 of 2016

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Satya Narayan Prasad son of late Ramchandra Prasad resident of village Rajbanshi Nagar, opposite Circuit House, Rajendra Chowk, Police Station Siwan, District Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shri Mahendra Kumar, Collector, Siwan.
3. The Collector, Siwan.
4. Shri Saurav Kumar Sah, Superintendent of Police, Siwan.
5. The Superintendent of Police, Siwan.
6. Shri Bhupendra Prasad Yadav, Sub Divisional Officer, Siwan, District Siwan.
7. The Sub Divisional Officer, Siwan, District Siwan.
8. Shri Ram Babu Baitha, Deputy Collector, Land Reforms, Siwan, District Siwan.
9. The Deputy Collector, Land Reforms, Siwan, District - Siwan.
10. Smt. Archana Kumari, the Circle Officer, Siwan Sadar, District Siwan.
11. The Circle Officer, Siwan Sadar, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Chaubey, Sr. Advocate Mrs. Ritu Priyadarshani, Advocate Mr. Prashant Kumar, Advocate Mr. Ambuj Nayan Chaubey, Advocate Mr. Ashok Tiwary, Advocate Mr. Shashank Shekhar Dubey, Advocate Mr. Prabhat Kumar Verma, AAG-5
For the State	:	

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 26-04-2023 The present writ petition has been filed seeking the following reliefs:-

"(I) For issuance of an appropriate writ, order or direction including a writ in the nature of certiorari quashing the entire proceeding in Land Encroachment Case



No. 2/15-16 including the final order under section 6(2) of the Public Land Encroachment Act, 1956 (hereinafter to be referred to as 'the Act for sake of brevity) directing the administration to remove the alleged encroachment on 9.3.2016 passed by the Collector under the Act;

(ii) For issuance of an appropriate order directing the Respondent No.10 to explain the reason in not accepting the application for certified copy of the entire order sheet and further be pleased to direct him to make available the certified copy on the requisition being filed by the petitioner:

(iii) For issuance of an appropriate order holding the Respondent Nos. 2, 4, 6, 8 and 10 particularly Respondent No. 10. for naked and arbitrary misuse and abuse of statutory power in demolishing the residential house of the petitioner and making him and his family a wandering zew in this first century accountable under Public Law directing them to account for and pay compensation to the petitioner at least to the tune of Rs.25 lacs or the amount which is deemed fit and proper by this



Hon'ble High Court in the facts and circumstances of the case;

(iv) For issuance of an order holding and declaring that the public authorities under the public law have a public duty and that there is no sovereign immunity of abuse and misuse of statutory power;

(v) For issuance of an appropriate writ, order or direction commanding the respondents to forthwith restore back at least the land in question bearing Khata No.1726, survey Plot No. 1568 measuring an area of 1 Katha in the town of Siwan and to quash the notice dated 12.3.2016 demanding the cost- of demolition from the petitioner.”

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. Liberty, so sought, is granted.

It is needless to state that for a period of four weeks from today, the interim order dated 18.10.2017 shall continue, in order to enable the



petitioner to take recourse to appropriate alternative remedy and obtain an interim order.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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