

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11935 of 2013

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Nazir Ahmad Khan Son Of Late Shafi Ahmad Khan Resident Of Village
Basuhans, P.S. Bahera, District Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Darbhanga Division, Darbhanga
3. The Collector, Darbhanga
4. The Sub-Divisional Officer, Benipur, Darbhanga
5. The Circle Officer, Benipur, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjay Kr. Singh, Advocate
	:	Mr. Wasi Mohammad, Advocate
For the Respondent/s	:	Mr. Satya Vrat, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-02-2023 The present writ petition has been filed seeking the
following reliefs :-

“(i) For a direction commanding the respondents not to demolish the house of petitioner’s sons standing on Khata no. 1434, Plot no. 1494(new) corresponding to old Khata no. 439, Plot no. 1257/3132 having an area of 14 decimal from south.

(ii) For a direction commanding the respondents not to interfere in the peaceful possession of the petitioner’s sons of the said house.

(iii) For a direction commanding the respondents to restrain themselves from



demolition of the house of petitioner's son."

The learned counsel for the respondent- State has produced an order dated 04.01.2012, passed by the Circle Officer, Benipur, Darbhanga, whereby and whereunder the petitioner has been held to be an encroacher over the land situated at Khesra no. 1688 (new- 2074) and has directed the petitioner to remove the encroachment in question.

The learned counsel for the petitioner has pointed out that the aforesaid Khesra no. 1688 (new- 2074), situated at village Bashuham, Circle-Benipur does not belong to the petitioner and in fact, the land appertaining to Khata no. 1434 (new-1494), corresponding to old Khata no. 439, Plot no. 1257/3132 belongs to the petitioner, pertaining to which, no land encroachment proceedings have been initiated, which is not controverted by the learned counsel appearing for the State.

Having regard to the aforesaid facts and circumstances of the case, this Court deems it fit and appropriate to direct the respondents that they shall not disturb the peaceful possession of the petitioner appertaining to Khata no. 1434, Plot no. 1494(new) corresponding to Khata no. 439, Plot no. 1257/3132, situated at Mauza-Bashuham, Circle-Benipur, without taking recourse to the due process of law.



At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 04.01.2012, passed by the Circle Officer, Benipur, Darbhanga, in case, he is aggrieved by the same. Liberty so sought, is granted.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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