

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8377 of 2023

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Ganesh Sah Son of Late Ganga Sah, Resident of Village- Khanpur Doktha,
P.O. - Parsa, P.S.- Hathouri, out post- Shivaji Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and land Reforms, Govt. of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Collector Cum District Magistrate, Samastipur.
4. The Sub Divisional Officer, Rosera, Samastipur.
5. The Circle Officer, Shivaji Nagar, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

“(i) For issuance of a writ/ rule/ direction in the nature of mandamus commanding upon the respondent authority not to demolish the construction of boundary wall house of the petitioner and stop the proceeding with the notice dated 08.05.2023 (A-4) passed in Encroachment Case no. 2/2020-21, 03/2022-23 whereby and whereunder the Circle officer, Shivaji Nagar (Respondent-5) has directed for removal of encroachment and demolishing the boundary wall of the petitioner and quashing the order dated



17.04.2023 passed by the District Magistrate, Samastipur in encroachment appeal no. 106 of 2022 by which order confirming the order passed by the circle officer, Shivaji Nagar to remove the encroachment and also to stop the proceeding issued under the Signature of circle officer, Shivaji Nagar whereby encroachment was sought to be forcibly removed on 13.05.2023 and also commanding the respondents, more particularly respondent no.5 to measure the public rasta through an Anchal Amin in presence of the petitioner and after serving due notice to him.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other alternative remedies, as are otherwise available under the law including that of filing of a suit before the learned civil court of competent jurisdiction, for redressal of his grievance. Liberty so sought, is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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