

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23361 of 2018

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Jang Bahadur Singh alias Jag Bahadur Singh Son of Late Jagar Nath Singh
R/o Village-Charpokhri, P.S. Charpokhri, District-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Bhojpur at Ara
2. The Sub Divisional Magistrate, Piro, District-Bhojpur
3. The Sub Divisional Public Complaint Redressal Officer, Piro, District-Bhojpur
4. Circle Officer, Charpokhri, District-Bhojpur
5. The Station House Officer, Charpokhri, District-Bhojpur
6. Ambika Singh alias Ambika Prasad Singh Son of Sudama Singh R/o Village-Charpokhri, P.S. Charpokhri, District-Bhojpur
7. Kalawati Devi Wife of Ambika Singh R/o Village Charpokhri, P.S. Charpokhri, District-Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate
For the Respondent/s : Mr.Sajid Salim Khan -Sc25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2023 The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of an appropriate writ/order or direction(s) for setting aside the order dated 16-02-2018, as contained in Annexure- 2 passed in Encroachment Case No. 12 of 2017-2018 passed, by the Anchal Adhikari, Charpokhri by which the learned Anchal Adhikari, Respondent No. 4 has been pleased to stay the further proceeding of the



Encroachment Case No.12 of 2017-2018 with an immediate effect on the ground that the husband of the encroacher namely Ambika Singh, Respondent No. 6, has filed a Title suit No. 8 of 2018 in the court of the learned Sub-Judge, Piro, District - Bhojpur.

ii. For issuance of an appropriate writ, order or orders for directing and commanding the Respondent Authorities to remove the encroachments made by the Respondent No. 6 and 7 upon Plot no.- 103, Khata no.-142, Thana No.-248 an area of 0.25 decimas upon which the Respondent no. 6 and 7 have constructed Pakka house and the said land is recorded in Khatiyān as Sarvsadharan Anabad land and same was being used by the local villagers/residents as general rasta since long and due to encroachment made by the respondent no.6 and 7 General public/residents are facing hindrance even to go up the village funeral site.”

At the outset, the learned counsel for the petitioner seeks to challenge the order dated 16.02.2018, passed by the Circle Officer, Charpokhri, District- Bhojpur in connection with Encroachment Case No.12 of 2017-18, by filing appropriate appeal. Liberty so sought is granted.



It is needless to state that in case appropriate appeal is filed, within a period of six weeks from today, the appellate authority shall consider the same on merits, without being impeded by the issue of limitation and dispose off the same, forthwith, by passing a reasoned and a speaking order, in accordance with law.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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