

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9284 of 2023

Vibhaishan Mahto @ Bibhishan Mahto son of Vishun Dev Mahto, Resident of Village- Kanhauli Ganpati, Ward no. 14, P.S.- Parsauni, Distt. Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Land Reform and Revenue Department, Bihar, Patna.
2. The Collector- Cum- Distt. Magistrate, Sitamarhi.
3. The Addl. Collector Land Reform Department, Distt. Sitamarhi.
4. The Sub- Divisional Officer, Belsand, Distt.- Sitamarhi.
5. The Block Development Officer, Parsauni, Distt.- Sitamarhi.
6. The Circle Officer, Parsauni, Distt.- Sitamarhi.
7. Sudistya Mahto Son of late Ram Brikshya Mahto, Resident of Village- Kanhauli Ganpati, Ward no. 14, P.S.- Parsauni, Distt. Sitamarhi.
8. Shivaji Mahto @ Shiv Shankar Mahto Son of Late Chandradev Mahto, Resident of Village- Kanhauli Ganpati, Ward no. 14, P.S.- Parsauni, Distt. Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Devendra Kumar, Adv.
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc 19)
		Mr. Atual Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-10-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of writ in nature of mandamus and directing and commanding the Respondent authorities to remove the encroachment from the public road bearing appertaining Khata no.719, Plot no.1441 in front of Raiyati land of appertaining Khata no. 1440 and 1442 in Encroachment case no.02/2022, whereby and



whereunder the Private respondents have made hut/pucca house over the public road passes through in western side between house of Shivshankar Mahto and Sudistay Mahto house. It causes apprehensions and traffic hazards at public at large of this villages. The petitioner having no any road to get entered into the house.

(ii) For further direction to the respondent authorities to compliance of letter no. 250 /Ji.Bidhi. dt 01.02.2023 has issued by the Collector, Sitamarhi, by reasoned and speaking order within time framed.”

2. At the outset, the learned counsel for the Respondent-State has filed a counter affidavit, which is taken on record, wherein it has been stated that the private Respondent No. 8 has preferred a title suit bearing Title Suit No. 22 of 2023, which is pending adjudication before the learned Court of Sub-Judge-I-cum-ACJM, Belsand, and in the said suit, an order of injunction dated 7.8.2023 has been passed in favour of the private Respondent No. 8, which is apparent from a copy of the order dated 7.8.2023, annexed at page no. 28 of the counter affidavit, filed by the Respondent-State today in the Court itself.

3. In such view of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to take recourse to such other remedies as are otherwise available under



the law including appearing in the aforesaid title suit for redressal of his grievances. Liberty, so sought, is granted.

4. At this juncture, it is further submitted by the learned counsel for the Respondent-State that as far as the private Respondent No. 7 is concerned, he has himself removed the encroachment in question.

5. Accordingly, the present writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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