

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10297 of 2023

=====

Anil Mehta Son of Late Tripurari Mehta Resident of Mohalla- Ward No.08,
Babu Tola Banjaria, P.S.- Banjaria, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Collector, Motihari, East Champaran.
3. The Executive Engineer, Tirhut Nahar Pramandal, Motihari, East Champaran.
4. The Land Acquisition Officer, Motihari, East Champaran.
5. The Land Reforms Deputy Collector, Motihari, East Champaran.
6. The Sub-Divisional Officer, Motihari, East Champaran.
7. The Circle Officer Banjaria, East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-09-2023 1. The present petition has been filed seeking the
following reliefs :-

*“(i) For issuance of a writ in the nature of
Certiorari for quashing the Order dated
18-06-2022 passed in Encroachment case
No.14/2021-22 by the learned Circle Officer,
Banjaria, East Champaran as contained in
annexure- 3 series to this writ petition,
whereby and where under the petitioner has
been declared encroacher Mauza Tarkulawa,
Revnew Thana- Banjaria, Khata No.-134,
Plot No.207, Area- 800 Square link (part of
Pucca Wall) under the Bihar Public Land*



Encroachment Act 1956 of section -06.

(ii) For issuance of a writ in the nature of Certiorari for quashing the Order 22-03-2023 passed in Encroachment Appeal No.35/2022-23 by the learned Collector, Motihari, East Champaran as contained in annexure-4 to this writ petition, whereby and where under the Encroachment Appeal No. 35/2022-23 filed on behalf of the petitioner has been rejected. The said Encroachment Appeal Case No. 35/2022-23 was filed against the order dated 18-06-2022 passed in Encroachment case No. 14/2020-21.

(iii) For issuance of a writ in the nature of Certiorari for quashing the Notice dated 20-03-2023 issued under the signature of Circle Officer, Banjaria, (Respondent no.5) contained in annexure- 5 to this writ petition whereby and where under the petitioner has been directed to remove the encroachment from the land situated under Mauza Tarkulawa, Revnew Thana- Banjaria, Khata No.-134, Plot No.207, Area- 800 Square link till 15-04-2023 otherwise the encroachment will be removed and the cost for the same will be charged/realized from the petitioner.

(iv) For issuance of a writ in the nature of Mandamus directing and commanding the respondents to not demolish/remove the Part of pucca wall of the petitioner situated under



*Mauna Tarkulawa, Revnew Thana Danjaria,
Khata No 134, Plot No.207, Area- 800
square link as well as to not disposes the
petitioner till the disposal of the
Encroachment Case pending in the Hon'ble
Patna High Court.”*

2. 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 for redressal of his grievance. Liberty so sought, is granted.
3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

