

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10219 of 2023

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Satish Kumar Son of Krishna Dev Mandal, Resident of Village-Pabra,
P.s.Baheri District Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Darbhanga.
3. The Additional Collector, Darbhanga.
4. The Sub Divisional Officer Sadar District Darbhanga.
5. The Circle Officer Baheri District Darbhanga.
6. Ugresh Prasad Singh Son of Late Radhe Mandal, Resident of Village-Pabra,
P.s.Baheri District Darbhanga, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-11-2023 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 17.11.2022 passed by the District Magistrate-cum-Second Appellate Authority, Darbhanga by which the District Magistrate-cum-Second Appellate Authority, Darbhanga has dismissed the second appeal filed by the petitioner and also for a direction to the respondents to remove the encroachment over the Plot No. 841, Khesra No. 3587 and 3580, Thana No. 84 which is a government land.

3. Learned counsel for the petitioner submits that the order dated 04.05.2022 passed by the District Public Grievance Redressal Officer, Darbhanga and the appellate order dated 17.11.2022 passed by the District Magistrate-cum-Second Appellate Authority, Darbhanga are illegal as against the final



order passed under the Bihar Public Land Encroachment Act, 1956, the appeal lies to the Collector and the authorities have illegally under the District Public Grievance Redressal Act.

4. The learned counsel for the State very fairly accepted the argument of the learned counsel for the petitioner and he is not in a position to defend the order dated 04.05.2022 passed by the District Public Grievance Redressal Officer, Darbhanga and the appellate order dated 17.11.2022 passed by the District Magistrate-cum-Second Appellate Authority, Darbhanga.

5. In view of the above, the order dated 04.05.2022 passed by the District Public Grievance Redressal Officer, Darbhanga and the appellate order dated 17.11.2022 passed by the District Magistrate-cum-Second Appellate Authority, Darbhanga are hereby quashed.

6. The respondent No. 6 is given liberty to challenge the original order before the appropriate forum in accordance with law.

(Sandeep Kumar, J)

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