

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5931 of 2014

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Daya Ram Paswan Son Of Late Munga Lal Paswan Resident Of Village-
Kanakpur, P.O.- Narpati Nagar, P.S.- Sakri, District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Land Revenue, Government Of Bihar, Patna
2. The Principal Secretary, Department Of Land Revenue, Government Of Bihar, Patna
3. The Principal Secretary, Department Of General Administration, Government Of Bihar, Patna
4. The District Magistrate, Madhubani
5. The Sub-Divisional Officer, Madhubani Sadar, District- Madhubani
6. The Block Circle Officer, Pandaul, District- Madhubani
7. The Block Agriculture Officer, Pandaul, District- Madhubani
8. The S.H.O., P.S.- Pandaul, District- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Advocate
For the Respondent/s : Mr.Yogendra Pd. Sinham Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-07-2023 1. The present writ petition has been filed seeking the following reliefs:-

“I. Issuance of declaration that the demolition of the house of the petitioner on Khata No. 171 Khesra 222 had been demolished in violation of any procedure established by law

II. Issuance of direction to the Respondent Circle Officer, Pandaul to produce the records of the proceeding, if any under the Public Land Encroachment Act and issuance of



Writ in the nature of Certiorari to Quash any order or proceeding Ex-parte conducted in violation of statutory procedure of natural justice

III. Issuance of declaration that without initiating any proceeding under the Public Land Encroachment the demolition of house of the petitioner is illegal and without jurisdiction and the petitioner is entitled for not only restoration of the possession subject to any valid proceeding but also exemplary compensation by the Respondent authorities

IV. Issuance of declaration that the petitioner and his family had been residing over the house in question for the last 70 years with all immunities like that of sanitation, water supply and place for keeping the capital, etc. for decades on the basis of settlement and sale deed executed by the Ex-landlord Raj Darbhanga, hence without adjudication the right title and possession of the petitioner the house in question was illegally demolished.”

2. At the outset, the learned counsel for the respondents-State has referred to the counter affidavit filed in the present case to submit that the encroachment made by the petitioner over the land in question has been removed only after initiation of encroachment proceedings, vide Encroachment



Case No.18 of 2013-14 and taking recourse to the due process of law, hence nothing survives for consideration in the present writ petition.

3. Accordingly, the writ petition stands dismissed, being devoid of any merit.

(Mohit Kumar Shah, J)

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