

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12734 of 2022

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Santosh Kumar Rai S/o Laxman Rai, Resident of Village and Post-Sonpatahi,
P.S.-Babubarhi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector, District-Madhubani.
3. The Sub-Divisional Officer, Sadar, District-Madhubani.
4. The Deputy Collector Land Reforms, District-Madhubani.
5. The Circle Officer, Circle-Babubarhi, District-Madhubani.
6. Pradeep Rai, S/o Surya Narayan Rai, Resident of Village and P.O.-Sonpatahi, P.S.-Babubarhi, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Madhu Prasun, Advocate
For the State	:	Mr.Rishi Raj Sinha (Standing Counsel-19)
For the Union of India	:	Dr. K.N. Singh, A.S.G.
		Mr. R.K. Sharma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-05-2023 The present writ petition has been filed
seeking the following relief:-

*“1. i. For issuance of appropriate writ/
writs, order/ orders, direction/
directions commanding the concerned
respondents especially Respondent
No.-5 i.e. the Circle Officer, Babubarhi,
District-Madhubani not to dispossess
and remove Bathan (animal shelter)
of the petitioner in the name of
encroachment situated at Mauza-
Sonpatahi, Thana No.-194, Khesra*



No.-3002, Circle- Babubarhi, District Madhubani in collusion with the Respondent No.-6, which land has been settled in the name of ancestor of the petitioner way back in the year 1946 by the then Jamindar pertaining to 5 Dhurs (which is not situated on any road or pathway) and is not an encroachment in anyway.

ii. For issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents to consider the representations of the petitioner and his father Laxman Rai including complaint under the provisions of the Bihar Public Land Encroachment Act against Respondent No.-6 regarding encroachment of Khesra No.-3002 and 3013, Mauza-Sonpatahi, Thana No.-194, Circle-Babubarhi, District-Madhubani much earlier to any such application by the Respondent No.-6 against father of the petitioner only after which the Respondent No.-5 in collusion with Respondent No.-6 started harassing the petitioner in the name of removing his lawful and undisturbing occupation over part of



Khesra No.-3002 illegally and arbitrarily declaring the same as an encroachment.

iii. For issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents concerned to consider the representations of the petitioner, make proper enquiry into the matter and thereafter fix appropriate responsibility on Respondents No. 5 and 6 and also ensure removal of encroachment by the Respondent No.-6 over Khesra No.- 3002 and 3012."

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the respondent authorities for redressal of his aforesaid grievances. Liberty so sought is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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