

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6953 of 2017

=====

Surya Kant Jha son of Late Ram Ballabh Jha, resident of Village, P.O. and P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Sub-Divisional Magistrate, Biraul, Darbhanga.
5. The Deputy Collector Land Refrorms, Biraul, Darbhanga.
6. The Circle Officer, Ghanshyampur, District- Darbhanga.
7. Belvendra Mishra, son of Late Taran Mishra,
8. Arun Kumar Mishra, son of Sri Mahendra Mishra, respondent nos.7 and 8 are residents of Village, P.O. and P.S.- Ghanshyampur, District- Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha,Adv.
For the Respondent/s : Mr.Sajid Salim Khan,SC-25

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-04-2023 The present writ petition has been filed seeking the following reliefs:-

“1.(i) For issuance of writ in the nature of certiorari for quashing the order dated 16.02.2017, passed by the Commissioner, Darbhanga Division, Darbhanga in Miscellaneous Encroachment Case No.14 of 2016, whereby the appeal preferred by the petitioner against the order passed by the Collector, Darbhanga has been rejected on the ground that no Second Appeal or Revision would have been filed against the order of Collector, Darbhanga and his order is



final.

(ii) For holding that the petitioner had preferred appeal before the Commissioner against the original order passed by the Collector under the provision of the Bihar Public Land Encroachment Act and the learned Commissioner, without application of mind, mistook it as second appeal and dismissed the appeal.

(iii) For issuance of writ in the nature of certiorari for quashing the order dated 12.08.2016, passed by the Collector, Darbhanga in Misc. Case No.40 of 2015, whereby the learned Collector has reviewed his own order dated 10.06.2016, passed in the same case without recording any grounds for review mentioned in Section 13 of the Bihar Public Land Encroachment Act, the review has been made on the basis of letter sent by Government Advocate to the Collector.

(iv) For ascertaining the allegation of the Respondents No.7 and 8 that they and other villagers face trouble in ingress and egress, on C.S. Plot No. 1889 (New), 1609 (Old) Road, while the house of the respondent Nos.7 and 8 lie on C.S. Plot No.1612 (Old) and 1897 (New) and in front of their house road lies bearing Plot No.1614 and 1615 (Old) and have got no access in disputed Plot 1889 (New), 1609 (Old) and around the disputed land aforesaid, only the land and



houses of the writ petitioner lies in C.S. Plot No.1884, 1890, 1896 and 1888 (New) and it appears that it had been carved out in the land of the writ petitioner since it begins from Plot No. 1884 (New) and leads towards westward and terminates at the ends of Plot No. 1888 (New).

(v) For staying the operation of order dated 12.08.2016, passed in Misc. Case No.40 of 2015, during the pendency of the writ application."

At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, for redressal of the aforesaid grievances. Liberty so sought is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

S.Sb/Sonal-

U			
---	--	--	--

