

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13871 of 2022

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1. Ravindra Nath Son of Late Raghvendra Dev Resident of Uttari Koyari Tola, Hilsa, P.S.- Hilsa, District- Nalanda.
 2. Om Prakash Son of Late Raghvendra Dev Resident of Uttari Koyari Tola, Hilsa, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Nalanda.
4. The Sub-Divisional Magistrate, Hilsa, District- Nalanda.
5. The Deputy Collector Land Reform, Hilsa, District- Nalanda.
6. The Circle Officer, Hilsa, District- Nalanda.
7. The Executive Officer, Nagar Parishad, Hilsa, District- Nalanda.
8. Numan Miyan, age and gender not known to the petitioners, Son of Jhanagir Miyan, Resident of Dargah Road, Hilsa, District- Nalanda
9. Gagan Kumar Son of Birendra Prasad Resident of Uttari Koyari Tola, Hilsa, P.S.- Hilsa, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar, Adv.
For the Respondent/s	:	Mr.Rishi Raj Sinha, SC-19
		Mr. Atul Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2023 The present writ petition has been filed to restrain the Respondent authorities from demolishing the houses of the petitioners, constructed over plot no. 960, khata no. 85, Thana No. 177, Mauza-Hilsa as also to quash the entire proceedings of the connected Encroachment Case No. 6 of 2022-23, initiated



by the Circle Officer, Hilsa, District-Nalanda.

At the outset, the learned counsel for the petitioners has produced an order dated 2.11.2022, passed by this Court in CWJC No. 13749 of 2022 (Vinay Kumar vs. The State of Bihar & Ors.), to contend that this Court has already quashed the encroachment proceedings, initiated vide Encroachment Case No. 6 of 2022-23, by the Circle Officer, Hilsa, District-Nalanda, hence, the present case be also disposed off in light of the said order dated 2.11.2022.

The learned counsel for the Respondent-State submits, upon instructions, that the present case is similar to the one in which the aforesaid order dated 2.11.2022 has been passed, hence, the Respondents do not have any objection in case the aforesaid order dated 2.11.2022 is made applicable to the facts and circumstances of the present case.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition in terms of the aforesaid order dated 2.11.2022 passed in CWJC No. 13749 of 2022 and accordingly quash the proceedings of the Encroachment Case No. 06 of 2022-23 qua the petitioners herein, however, with liberty to the Respondent-State to initiate fresh encroachment proceedings, if so



warranted, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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