

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15115 of 2022

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Dablu Rajak Son of Late Baleshwar Rajak, Resident of Mohalla- Panchbati Colony, Nepali Nagar, Police Station- Rajivnagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Land Reforms and Revenue.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Bihar State Housing Board, through its Managing Director, 6, Sardar Patel Marg, Patna.
4. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
5. The Secretary, Bihar State Housing Board, Bihar Patna.
6. The District Magistrate, Patna.
7. The Senior Superintendent of Police, Patna.
8. The Circle Officer, Patna, Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Binod Singh
For the Respondent/s : Mr.Abbas Haider (Sc6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-07-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i).For restraining the respondents from disturbing the peaceful possession of their houses situated in Plot No. 2422, Khata No. 292, Tauji No. 15273, Thana no. 01, under the Patliputra Circle, Ward No. 02, Property No. 1266342, Revenue Circle no. 268, Measuring Area 7 ½ (seven and half) dhoor, situated in Panchbati Colony, Nepali Nagar, P.S.- Rajiv Nagar, District- Patna on the basis of the order



Passed by the Circle Officer, Patna in public land Encroachment case no. 70/2021-22.

(ii). For necessary direction upon the respondent authorities to not to demolish the house of the petitioner in violation of the 1" and 2" proviso of section 7 of Digha Acquired Land Settlement Act, 2010.

(iii) For issuance of writ in the nature of certiorari for quashing of the order dated 20.06.2022, passed by the Circle Officer, Patna Sadar, Patna in Public land Encroachment Case no. 70/2021-22 and entire proceeding of the land encroachment case including the notices dated 25.04.2022 and 20.06.2022 as the same is in violation of the 1st and 2nd proviso of section 7 of Digha Acquired Land Settlement Act, 2010.

(iv). For necessary direction upon the respondent Bihar State Housing Board, Patna to settle the land of the petitioner in their favour in terms of second proviso of section 7 Digha Acquired Land Settlement Act, 2010."

2. The learned counsel for the parties have pointed out that the lis involved in the present case has already stood adjudicated by a Coordinate Bench of this Court by a judgment dated 25.05.2023, passed in C.W.J.C No. 9422 of 2022 (Satyendra Rai vs. The State of Bihar & Ors.) and other analogous cases, consequently, the present case is squarely covered by the said



judgment dated 25.05.2003, hence the present writ petition be also disposed off in similar terms.

3. 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 judgment dated 25.05.2023, passed by a co-ordinate Bench of this Court in the case of Satyendra Rai (supra).

4. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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