

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6765 of 2014

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Bhola Ishwar Son Of Late Madan Jha Resident Of Village - Chaklokman,
P.O. P.S. - Dalsing Sarai, District – Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Samastipur, District-Samastipur
2. The Collector, Samastipur Dist. Samastipur.
3. The S.D.O. Dalsing Sarai, Dist. - Samastipur.
4. The Circle Officer, Dalsing Sarai, Dist. - Samastipur.
5. The S.P. Samastipur.
6. The S.H.O. Dalsing Sarai, District - Samastipur.
7. Hemant Jha Son Of Ram Naresh Jha Resident Of Village - Chaklokman,
P.O. P.S. - Dalsing Sarai, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madan Prasad Singh No-2, Adv.
For the Respondent/s : Mr. Vikramadit, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-07-2023 The present writ petition has been filed seeking the
following relief:-

“1. That this application is for issuance of writ
of mandamus commanding the official
respondents to remove the encroachment made
by respondent no.7 on the Common Public
Rasta standing on portions of plot nos. 320,
321, 322 and 327 running from Mansoorchak
Road to the end of Khunti Godown at village
Chak Lokman. P.S. and Block- Dalsing Sarai,
District- Samastipur.



Further for issuance of direction to the official respondents to restrain respondent no. 7 from making construction on the road till final disposal of land encroachment proceeding.

Or issue such appropriate writ / writs direction directions or pass such other order / orders which may be found just and proper.”

2. At the outset, the learned counsel for the Respondent-State has referred to the counter affidavit filed in the present case, more particularly paragraph no. 11 thereof, to submit that after receiving the complaint, spot enquiry was made by the competent authorities and from the enquiry report, it is apparent that the land in question is a raiyati land, which has been mutated in favour of the wife of the Respondent No. 7, hence, the allegations levelled by the petitioner are false.

3. Per contra, the learned counsel for the petitioner submits that though the house has been constructed on the raiyati land of the wife of the private Respondent No. 7, however, a portion of the same has been protruded beyond the boundaries of the land in question, hence the Ld. Counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Dalsing Sarai, District-Samastipur to point out the said fact and seek remedial measures. Liberty, so sought, is granted.



4. The present writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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