

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15442 of 2022

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Chandrabhushan Mishra S/o Late Agust Mishra, Resident of Village-
Majhigawan, P.O.- Majhigawan, P.S.- Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar represented by the Collector, Rohtas.
2. The Circle Officer, Circle Rohtas.
3. Shri Banarashi Mishra Son of Late Ramadhar Mishra, Resident of Village-
Majhigawan, P.O.- Majhigawan, P.S.- Rohtas (Bihar)
4. Shri Ghanshyam Mishra Son of Late Ramadhar Mishra, Resident of Village-
Majhigawan, P.O.- Majhigawan, P.S.- Rohtas (Bihar)
5. Shri Prithvi Nath Mishra Son of Late Ramadhar Mishra, Resident of Village-
Majhigawan, P.O.- Majhigawan, P.S.- Rohtas (Bihar)
6. Shri Ram Pravesh Mishra Son of Late Naurang Mishra, Resident of Village-
Majhigawan, P.O.- Majhigawan, P.S.- Rohtas (Bihar)
7. Shri Hari Narayan Mishra Son of Late Naurang Mishra, Resident of Village-
Majhigawan, P.O.- Majhigawan, P.S.- Rohtas (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Mohan Murari, Advocate
For the State	:	Mr.Md. Khurshid Alam (Aag12)
		Mr.Ebadur Rahman Shakeb,Ac to Aag 12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-06-2023 The present writ petition has been filed seeking the
following relief:-

*“1. That through this writ petition, the petitioner
seeks and prays issuance of direction to the
respondents no.1&2 to remove the encroachment of
the respondents no. 3 to 7 over the government land
pertaining to new survey Khata no. 190, new survey*



plot no. 1110, Thana no. 696 having area 35 Kadi wide and 25 Kadi length which is Public road towards going to the house of the petitioner, as would evident from the decision rendered by the Public Grievance Redressal Forum, Dehri vide its order dated 15.09.2018 in complaint case no. 999990106011830935 filed by the Shri Shashikant Sharma being the son of the petitioner.”

The learned counsel for the respondent State has though referred to para no.9 of the counter affidavit, filed in the present case to submit that a title suit bearing Title Suit No.947 of 2018 is pending before the learned Court of Sub-Judge, Sasaram, with regard to the plot in question, which is alleged to be a public land, however he is not in a position to inform this Court as to whether any stay/injunction order has been passed by the learned civil Court or not.

In view of the aforesaid, I deem it fit and proper to dispose off the present writ petition, however with a direction to the Circle Officer, Rohtas to enquire into the matter and in case it is found that no stay/injunction order has been passed by the learned Court of Sub-Judge, Sasaram in the aforesaid Title Suit No.947 of 2018, he shall proceed in accordance with the provisions contained in Bihar Public Land Encroachment Act, 1956 and do the needful



forthwith.

The writ petition stands disposed off on the aforesaid
terms.

(Mohit Kumar Shah, J)

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