

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16184 of 2022

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Birendra Pandey Son of Late Ramnath Pandey, Resident of Village - Rakasiya, P.S. - Bikramganj, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Old Secretariat, Bihar, Patna.
2. The District Collector/District Magistrate, Rohtas at Sasaram.
3. The Additional Collector, Rohtas at Sasaram.
4. The S.D.O./S.D.M., Bikramganj, District - Rohtas.
5. The Circle Officer, Bikramganj, P.S.- Bikramganj, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashikant

For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-08-2023 The present writ petition has been filed seeking the following relief:-

“1. That the petitioner craves indulgence of this Hon'ble Court for issuance of an appropriate writ in the nature of Certiorari for quashing the notice dated 26.09.2022 vide Letter No.1164 issued against the petitioner in Encroachment Case No.04/2002-03 in pursuance to notice dated 17.09.2022 vide Letter No.1120 against the petitioner by Anchaladhikari in Encroachment Case No.04/2002-03 as contained in Annexure-7 and 7/1 whereby and whereunder the Learned Anchal Adhikari, Bikramganj, Rohtas, has been pleased to direct the petitioner to remove the encroachment made by the petitioner over Khata



No.207, Plot No.902, measuring an area $3\frac{3}{4}$ decimal situated at Mauza- Rakasiya, P.S.- Bikramganj, District-Rohtas on which the residential house of the petitioner since the time of his ancestors which transpires from C.S. Khatiyani as contained in Annexure-1 and further to issue command / commands, order/orders, direction /directions directing the respondents to not interfere in the peaceful possession of the petitioner over the land in question.”

2. At the outset, the learned counsel for the Respondent-State seeks to file a counter affidavit, which is taken on record, wherein it has been stated that the petitioner has already filed a title suit bearing Title Suit No. 40 of 2017 before the Civil Court, Bikramganj.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the aforesaid title suit in question. Liberty, so sought, is granted.

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

(Mohit Kumar Shah, J)

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