

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21326 of 2021

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Laxmi Devi, Wife of Amit Kumar, Resident of Mohalla-Tej Pratap Nagar,
P.O.-Anishabad, P.S.-Beur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Patna Sadar, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Circle Officer, Phulwarisarif, Patna.
6. The S.H.O., Beur Police Station, Patna.
7. Arbind Kumar Sinha, Son of Narendra Narayan Lal, Resident of Yashoda Kunj, Tej Pratap Nagar, P.O.-Anishabad, P.S.-Beur, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha No.3, Advocate Mr. Shyamlendra Kumar, Advocate
For the State	:	Mr. Sajid Salim Khan, SC-25 Ms. Prakritita Sharma, A.C to S.C-25
For the Respondent/s	:	Mr. Mohammed Abu Haidar, Advocate Mr. Mohammad Abu Shajar, Advocate Mr. Asad Zahidi, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 20-04-2023 Heard learned counsel for the petitioner, learned
counsel for the respondent-State and learned counsel for
respondent no.7.

The petitioner has filed the instant application for the
following relief(s):-

*“(I) To direct the Respondent to remove
and demolish the boundary wall encroached by the
Respondent no.7.*

(II) To direct respondent state to comply



of the different orders of the competent authorities to remove and demolish the boundary wall for Rasta Private/Public which is encroached by the respondent No.7”

At the outset, an objection is raised by learned counsel appearing for respondent no.7, who referring to the order dated 9.7.2019 passed in Cr. WJC no.2821 of 2017 submits that in the earlier writ application filed by respondent no.7, a counter affidavit was filed by the petitioner herein who happens to be respondent no.9 therein to the effect that the Title Suit no.4 of 2012 is pending before the Munsif-II, Patna. Taking note of the said submission as also that the dispute is purely civil in nature, this Court was pleased to dismiss the application by its order dated 9.7.2019.

In response, learned counsel for the petitioner submits that filing of the Title Suit was on account of erroneous legal advice. The land being public land, an application under the Bihar Public Land Encroachment Act should have been filed. He seeks permission to withdraw this application to prefer an application under the Bihar Public Land Encroachment Act.

At this stage, learned counsel for the respondent-State submits that with respect to the same piece of land one another person had filed an application under the Bihar Public Land



Encroachment Act, which was registered as Encroachment Case no.10/2022-23, but which was subsequently dropped.

In view of the submission made on behalf of the petitioner, the application stands disposed of with the aforesaid liberty.

It is clarified here that this Court has not entered into the merits of the case of the respective parties and if any application, as proposed to herein above, is filed on behalf of the petitioner, the same shall be decided in accordance with law.

(Partha Sarthy, J)

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