

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18539 of 2013

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Arun Kumar Thakur Son of Late Lakshmi Narayan Thakur Resident Of
Village - Kaithiniya, P.S. - Madhepur, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Divisional Commissioner, Darbhanga Division, Darbhanga
3. District Magistrate, Madhubani
4. Sub-Divisional Officer, Jhanjharpur, Madhubani
5. Anchala Adhikari, Lakhnaur, Madhubani
6. Anchal Amin, Lakhnaur, Madhubani
7. Thana Incharge, Jhanjharpur, R.S. Shivir, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Nazir Ansari,Adv.
For the Respondent/s : Mr.Gautam Bose,Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-02-2023 The present writ petition has been filed
seeking the following relief:-

*“1.That this writ petition is being filed for
issuance of appropriate and/or direction,
commanding the respondents to remove
the encroachment from Government
Road or any other relief or reliefs which
the petitioner is entitled to.”*

At the outset, the learned counsel for the
respondent-State has referred to the
supplementary counter affidavit filed in the present
case, wherein it has been stated that an
encroachment case bearing Encroachment Case



No. 01 of 2006/07, was initiated and thereafter, the final order was passed by the Circle Officer, Lakhnaur, District-Madhubani on 31.03.2008.

Reference has also been made to Encroachment Appeal No. 24 of 2007/08 and Miscellaneous Case. No. 02 of 2012/13, as also it has been pointed out that one Surendra Narayan Jha has filed a title suit bearing Title Suit No. 15 of 2009, which is pending consideration before the learned Court of Munsif, Jhajharpur.

The learned counsel for the petitioner has submitted that the District Magistrate, Madhubani be directed to enquire into the matter and find out as to whether the afore-said Title Suit pertains to the government land in question, over which the encroachers have made encroachment and as to whether there is any stay/injunction in the ongoing suit or not and then act accordingly.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to approach the District Magistrate,



Madhubani, by filing appropriate representation within a period of four weeks from today, which shall be considered in accordance with law and a reasoned and a speaking order shall be passed thereon within a period of four weeks, thereafter.

(Mohit Kumar Shah, J)

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