

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9 of 2023

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Nageshwar Prasad Son of Rambilash Sah Resident of Village-Pakri Dikshit,
Tola, Chainpur, P.S. and Anchal-Kalyanpur, District-East Champaran at
Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, East Champaran at Motihari,
District-East Champaran at Motihari.
4. The Additional Collector, East Champaran at Motihari, District-East
Champaran at Motihari.
5. The Land Reforms Deputy Collector, Chakiya, District-East Champaran at
Motihari.
6. The Circle Officer, Kalyanpur, District-East Champaran at Motihari.
7. Om Prakash Giri Son of Late Raghubir Giri Resident of Village-Pakri
Dikshit, Toal-Chainpur, P.S. and Anchal-Kalyanpur, District-East
Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Ranjan, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy (GP 18)
For Private respondent	:	Mr. Rajnish Shandilya, Advocate
	:	Mr. Pratik Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 25-07-2023

1. The present petition has been filed seeking the
following relief :-

*“(i) For issuance of an appropriate writ in
the nature of Mandamus, commanding and
directing the Respondent Authorities to
remove the encroachment over the public
road bearing Khata No.14, Khesra No.1595*



and 1596 situated in Mauza- Pakari Dikshit. Thana No.174, Anchal- Kalyanpur, District East Champaran upon which the Respondent no.7 and others illegally constructed their pucca houses on the ground that the said land is recorded in the Survey Khatiyan as the Gairmazarua Aam Kism Rasta which is public land and the public at large is using the said land as Rasta since long but the private Respondent illegally encroached the said land after creating a forged Jamabandi of the said land which causes great inconvenience to the public at large in smooth movement.”

2. At the outset, the learned counsel for the respondents has referred to the counter affidavit, filed in the present case to submit that Jamabandi is existing in favour of the private respondent no. 7, hence, only after the same is cancelled, steps would be taken by the Circle Officer, Kalyanpur, in connection with Encroachment case no. 03 of 2022-23, for removal of the encroachment in question.

3. In view of the aforesaid, the learned counsel for the petitioner though admits that now nothing survives for consideration in the present writ petition, however, seeks a direction upon the respondents- authorities to expedite the



pending proceedings. It is directed accordingly.

4. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2023
Transmission Date	NA

