

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.559 of 2023

Subodh Paswan S/o Late Chandradeo Paswan, resident of Mohalla - Shivpuri,
Near Rajdhani Gas Godown, P.O. P.S. - L.B.S. Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue, Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Sub Divisional Magistrate, Sadar, Patna.
4. The Circle Officer, Sadar, Patna.
5. The Officer in Charge, Shastri Nagar P.S., District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-09-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) To issue an appropriate order/s, direction/ s including a writ preferably in the nature of Mandamus commanding and directing upon the respondent authorities to rehabilitated the petitioner and others family by constructing residential house as the concern respondents have demolishing the residential house of the petitioner and others without compliance of the provisions of Bihar Public Land Act and ignoring the government circulars/ directions thereby landless person cannot be removed from the government land up till given them alternative accommodation.”



2. At the outset, the learned counsel for the respondent-State has submitted that the counter affidavit has been filed in the present case by E-mail, however, he is submitting a hard copy of the same, before this Court. Let the same be kept on record.

3. The learned counsel for the respondent-State has referred to paragraph no.6 of the counter affidavit, filed in the present case to submit that an encroachment case bearing Encroachment Case No.36 of 2019-20, was initiated and after following the procedure provided for in the Bihar Public Land Encroachment Act, 1956, the encroachment in question has stood removed, hence the present writ petition has been rendered infructuous.

4. The aforesaid facts have not been disputed by the petitioner inasmuch as no rejoinder affidavit has been filed, however, a bare perusal of the prayer made by the petitioner in the present writ petition would show that the petitioner is now merely paying for his rehabilitation for which this Court deems it fit and proper to grant liberty to the petitioner to approach the respondent-authorities.

5. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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