

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.977 of 2023

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Harendra Kumar S/o-Pashupati Thakur, Resident of Village-Baingra, P.O.-Baingra, Ward No. 12, P.S.-Saharghat, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department Govt. of Bihar, Patna.
2. The Principal Secretary, Land Reforms Department Govt. of Bihar, Patna.
3. The District Magistrate, Madhubani, District-Madhubani.
4. The Sub-Divisional Officer, Benipatti, District-Madhubani.
5. The Circle officer Madhawapur, District-Madhubani.
6. Birendra Kishore S/o-Ram Kumar, R/o-Village-Baingra, P.O.-Baingra, P.S.-Saharghat, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-09-2023 1. The present petition has been filed seeking the following relief :-

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the notice contained in memo no. 1861 dated 21.10.2022 issued under the signature of respondent no. 5 whereby a notice under section 3 of Bihar Public Land Encroachment Act 1956 has been served to Sri Sri 108 Ram Janki Mandir situated at Baingra, Circle Madhawapur, District-Madhubani to participate in land encroachment proceeding in compliance of



order dated 29.07.2022, passed in C.W.J.C No. 2282/2021, as aforesaid order has been obtained by the petitioner concealing the fact that the Division Bench of the Hon'ble High Court in C.W.J.C No. 19120 of 2015 vide order dated 05.05.2016 had allowed to withdraw the application with liberty to approach before appropriate forum i.e. Hindu Religious Trust Board and moreover the intention of respondent no. 6 to earn money illegally putting undue pressure and for that he is demanding in written.

(ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondents Authorities to drop the proceedings of Land Encroachment Act as from last 150 years back there was an ancient Ram Janki Hanuman Mandir and a pond at the east of the temple is situated at Khata No. 264, Khesra No. 1456 and general people of said localities are performing Puja and religious activities from ancient time without any interruption and further a direction to the concerned authorities not to interfere in the smooth religious activities which are being performed by the local people like puja, Yagya, Anushtan, etc. “

2. At the outset, the learned counsel for the petitioner



seeks liberty on behalf of the petitioner to approach the Circle Officer, Madhawpur, District-Madhubani and file his objections to the notice dated 21.10.2022, issued under Section 3 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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