

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2165 of 2024

Arjun Kumar Ray Son of Rajdev Ray Resident of Village-Nava Nagar
Nizamat, P.S. Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate-Cum-Collector, Muzaffarpur District-Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur District-Muzaffarpur.
6. The Sub-Divisional Magistrate, Muzaffarpur West, District-Muzaffarpur.
7. The Circle Officer, Sahebganj District-Muzaffarpur.
8. The Station Head Officer, Sahebganj Police Station, District-Muzaffarpur.
9. Lakshman Rai Son of Late Asharfi Rai Resident of Village-Nava Nagar Nizamat, P.S. Sahebganj, District-Muzaffarpur.
10. Nawal Rai Son of Late Asharfi Rai Resident of Village-Nava Nagar Nizamat, P.S. Sahebganj, District-Muzaffarpur.
11. Pintu Kumar Son of Lakshman Rai Resident of Village-Nava Nagar Nizamat, P.S. Sahebganj, District-Muzaffarpur.
12. Vishal Kumar Son of Nawal Rai Resident of Village-Nava Nagar Nizamat, P.S. Sahebganj, District-Muzaffarpur.
13. Binda Rai Son of Mahendra Rai Resident of Village-Nava Nagar Nizamat, P.S. Sahebganj, District-Muzaffarpur.
14. Ram Babu Rai Son of Late Bishwanath Rai Resident of Village-Nava Nagar Nizamat, P.S. Sahebganj, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy-1, SC-13

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2024 Heard the parties.

2. The petitioner has prayed for the following reliefs:

(i) for issuance of an appropriate



writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to ensure to remove the encroachment over the land of the petitioner in question bearing Khesra No.2842 pertaining to Khata No. 1004 measuring an area 5 decimals, Khesra No.2841 pertaining to Khata No.648 measuring an area 4 decimals and Khesra No.2847 pertaining to Khata no.46 measuring an area 19 decimals situated in Mauza- Nawa Nagar Nizamat, Thana No. 28, P.S. Sahebganj District Muzaffarpur which was illegally and forcefully encroached by the Respondent 2nd set and other anti-social elements by putting their Khuta, Nad, small hut etc. etc;

(ii) for issuance of an appropriate



writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to ensure the petitioner to construct the boundary wall over the land in question in presence of sufficient number of armed forces;

(iii) for Issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to take harsh action against the Respondent 2 set and other anti-social elements on the ground that on 05.01.2024 the construction of part of boundary wall was made in presence of administration and just after departure of armed forces. the Respondent 2 set and others demolished the constructed boundary wall over the land in



question;

(iv) for issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to take suitable action against the Respondent Authorities particularly against the Circle Officer, Sahebganj and the Station Head Officer, Sahebganj Police Station who failed to discharge their statutory duties to give protection to the life and property of the petitioner in connivance with the private Respondents;

(v) for issuance any other appropriate writ/writs order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.



3. Learned counsel for the petitioner submits that he has already approached the respondent no.6, the Sub-Divisional Magistrate, West, Muzaffarpur by filing an appropriate petition and further submits that he will be pursuing the said remedy available under the law.

4. Learned State Counsel submits that as per the documents, the Sub-Divisional Magistrate, West, Muzaffarpur is in seisin of the case and it would be appropriate that the same is taken to its logical conclusion.

5. In that background, the writ petition stands disposed of with a direction to the said respondent to take up the matter, put the parties on notice and then decide the same at an earliest.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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