

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1666 of 2024

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Tanik Singh @ Singh Tanik Son of Late Jwala Prasad Singh, Resident of Village - Pawai, Post Office - Pawai, Police Station - Suryagarha, District - Lakhisarai at present resident at 148 Aurora Plaze, Union City, California (United States).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Land and Reforms, Government of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Circle Officer, Pipariya, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.
For the Respondent/s : Mr.Government Pleader (16)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-11-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this is an application for issuance of a writ in the nature of Certiorari to quash the order dated 22.01.2024, passed in Encroachment Case No.22 of 2019-20, by the Circle Officer, Pipariya, contained in Memo No.89 dated 22.01.2024, so far as petitioner is concerned, whereby and whereunder the Circle Officer has directed the petitioner to remove the encroachment made over plot appertaining to Khata No.113, Plot No.890, admeasuring 1.034 decimal land, over which house of the petitioner is situated, till 20.01.2024 otherwise encroachment would be removed on 29.01.2024 and 30.01.2024 and further cost



would be realized from the encroacher.

And further for issuance of a writ in the nature of Mandamus or any other appropriate writ(s), order(s), direction(s) to the respondents, specially the respondent no.3, for measurement of the land of road and nala which falls under Khata No.113, Plot No.890, situated at Mauza-Pawai, Thana No.147 of Pawai village under Piparia Block and Suryagarha Police Station of Lakhisarai district, in presence of the petitioner and further direct the respondent-Circle Officer to stay the proceedings of Encroachment Case No.22 of 2019-20 till the demarcation and measurement of the land of the petitioner is made.”

2. At the outset, the learned counsel for the petitioner submits that the only limited grievance of the petitioner in the present case is that his land appertaining to Khata No.94, Plot No.964, situated at Mauza-Pawai, Thana No.147, Piparia Block, District-Lakhisarai, may be measured and in case any encroachment is found over the land of road/nala, situated over Khata No.113, Plot No.890, situated at Mauza-Pawai, Thana No.147, the same be removed.

3. Per contra, the learned counsel for the respondent-State submits that the respondents are not taking any action qua



the land appertaining to Khata No.94, Plot No.964, situated at Mauza-Pawai, Thana No.147, Piparia Block, District-Lakhisarai, hence they would definitely measure the land of the petitioner in his presence and in case it is found that the petitioner has encroached the land appertaining to Khata No.113, Plot No.890, situated at Mauza-Pawai, Thana No.147, the encroachment shall then be removed. It is directed accordingly.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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