

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1978 of 2023

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Lalitesh Kumar Singh @ Laliteshwar Prasad Singh, Son of Late Biresh Prasad Singh, resident of Village - Bhadaun, P.S. - Ghanshyampur, District - Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna, Bihar.
2. The Circle Officer, Gaura Bauram Circle, District - Darbhanga.
3. The Deputy Collector Land Reform, Darbhanga.
4. The Collector, Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 29-08-2024 The present writ petition has been filed seeking the following reliefs:-

“1.(i) To issue an appropriate writ/order/direction in the nature of certiorari to quash the notice no-32 dated 11-01-2023 contained in Annexure-1 issued by the respondent no-2 in the name of the petitioner directing the petitioner to remove encroachment within 15 days from Bhukhand No-10706, bearing Thana no-259 situated at village-Bhadaun, Ps-Chanshyampur, District-Darbhangha.

(ii) To direct the respondents and restrain them from causing unnecessary harassment to the petitioner by sending fake notice of removing encroachment from Bhukhand No-10706 with which the petitioner has no



concern.

(iii) Aforesaid office order of respondent no-2 contained in Annexure-1 be declared as highly arbitrary, illegal and an act played as a dirty gimmick only to cause unnecessary harassment to the petitioner.

(iv) Erring respondents be sternly dealt with for their misdeed, misdemeanor and defying act done on extraneous consideration.”

2. At the outset, the learned counsel for the respondent-State submits that in principle, the respondents have accepted the proposal for exchange of Plot No.10705 belonging to the petitioner, situated at Village-Bhadaun, Thana No.259, District-Darbhanga on which the respondent-State has illegally constructed road, with Plot No.10704, belonging to the respondent-State so that the interest of the public at large is protected and the right of the petitioner under Article 300 (A) of the Constitution of India is not infringed, however, it is submitted that sometime would be taken for grant of approval by the cabinet.

3. Nonetheless, it is undertaken by the District Magistrate, Darbhanga that as far as the possession of the petitioner over Plot No. 10704 is concerned, the same shall not be disturbed in future.

4. Accordingly, the present writ petition stands



disposed off by recording the undertaking of the District Magistrate, Darbhanga, to the effect that the possession of the petitioner over the aforesaid Plot No.10704 shall not be disturbed by the respondent-State in future.

(Mohit Kumar Shah, J)

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