

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2559 of 2024

1. Raj Deo Mandal @ Rajendra Mandal Son of Batahan Mandal Resident of Village- Laksena, Dharmdiha Sangram, P.S.-Fulparas Sub Division, District-Madhubani.
2. Smt. Pramila Devi Wife of Sri Radhe Shyam Mandal Resident of Village-Laksena, Dharmdiha Sangram, P.S.-Fulparas Sub Division, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector Madhubani.
2. Collector-Cum-District Magistrate, Madhubani.
3. Police Superintendent Madhubani.
4. Sub Divisional Officer (S.D.O.)-Phulparas, Madhubani.
5. Circle Officer-Cum-the Collector under the Bihar Public Land Encroachment Law, Phulparas Circle, Madhubani.
6. Ram Ratan Mandal Son of Late Arjun Mandal Resident of Village-Laksena, P.S.-Phulparas District-Madhubani.
7. Satya Narayan Mandal Son of Pratham Mandal Resident of Village-Laksena, P.S.-Phulparas District-Madhubani.
8. Satya Deo Mandal Son of Late Batahan Mandal Resident of Village-Laksena, P.S.-Phulparas District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dev Kumar Pandey, Advocate
For the Respondent/s : Mr. Prem Ranjan Raj, AC to SC-7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-06-2024 Heard Mr. Dev Kumar Pandey, learned counsel

 appearing on behalf of the petitioner and Mr. Prem Ranjan Raj,

 AC to SC-7.

2. The present writ petition has been preferred for the
grant of following relief/s:-

“A. For setting aside the impugned land



encroachment proceeding vide land encroachment case no. 13/ 2020-2021 pending in the office of respondent no. 5 which is being illegally proceeded with respect to the the Raiyati lands of the petitioners despite production of the corrected copy of the concerned records of right (Khatiyani) wherein the names of the petitioner no. 1, his brother (proforma respondent) and their sister (mother of petitioner no. 2) have been entered, and where under the respondent circle officer, without ascertaining the nature of land as public or not, is endeavoring for initiation of the demolition drive in order to remove petitioners from their Raiyati land as described in Para no. 5 below referred to as the land in question

B. For a direction upon the respondents specifically respondent no 5 herein, not to take any action including the steps for demolition /removal of the petitioners' house and belongings as existing from last 85 years over the land in question without conducting a fair and transparent spot enquiry, measurement and demarcation over the land in question that too



in presence of the parties so as to ascertain as to whether the same land is a public land or not.

C. For any other relief or reliefs as deem fit and proper in the facts and circumstances of this case.”

3. At the outset, learned AC to SC-7 submitted that today he had telephonic conversation with the Circle Officer, Phulparas (respondent No. 5) and got information that the land encroachment case no. 13/2020-2021 filed by respondent No. 7 already stands withdrawn.

4. In that background, learned counsel for the petitioner submits that if the statement/submission made by the learned State counsel is correct, the writ petition has already lost its force.

5. Accepting the words of the learned State counsel, the writ petition stands disposed of with liberty to the petitioner that if the same is found incorrect, he can once again approach the High Court.

(Rajiv Roy, J)

Adnan/-

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