

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3738 of 2022

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Smt. Bachi Devi @ Bacchi Devi, Wife of Sri Ram Narayan, Resident of
Mohalla and P.O.- Horilganj, P.S. and District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Sub Divisional Magistrate, Jehanabad.
4. The Circle Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeeb Kumar Sanju, Advocate
For the State	:	Mr. Atul Shankar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 5 10-12-2024 Though the present writ petition was filed for restraining the respondents from demolishing the residential house of the petitioner, situated over Khata No.180, Plot No.1748, Tauzi No.171, 172, 1728, 173, 175, Thana No.383, situated at Mauza-Mandani, Circle-Jehanabad, District-Jehanabad, however, it is submitted by the learned counsel for the petitioner that although the house of the petitioner has not been demolished but the boundary wall has been demolished by the respondents, to which the learned counsel for the respondent-State submits by referring to the counter affidavit filed in the present case that the Circle Officer, Jehanabad had initiated Encroachment Case No.09 of 2021-22, pertaining to



the land situated at Mauza-Jehanabad, Thana No.383, appertaining to Khata No.181, Khesra Nos.1757 and 1730 and as far as Plot No.1748 is concerned, no encroachment proceeding has been initiated and at the momemnt, the respondent-State does not intend to initiate any proceeding qua the said Plot No.1748, which is stated to be the *raiyati* land of the petitioner.

2. At this juncture, the learned counsel for the petitioner submits that if it be so, the petitioner be granted liberty to approach the District Magistrate, Jehanabad for redressal of her grievance regarding illegal demolition of her boundary wall, which is in fact situated within the boundary of Plot No.1748.

3. Having regard to the aforesaid prayer made by the learned counsel for the petitioner on behalf of the petitioner, I deem it fit and proper to grant liberty to the petitioner to approach the District Magistrate, Jehanabad by filing appropriate representation within a period of four weeks from today, annexing all the documents in her favour, which shall be examined by the District Magistrate, Jehanabad and appropriate measurement/ demarcation shall be made, so as to ascertain as to whether the boundary wall in question, stated to be



constructed within the premises of Plot No.1748, has been illegally demolished or not and thereafter, a reasoned and a speaking order shall be passed, in accordance with law, within a period of six weeks, thereafter.

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

(Mohit Kumar Shah, J)

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