

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6602 of 2024

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Mukesh Kumar Son of Late Basawan Singh Resident of Village and P.O.-
Chandrahatti, P.S.- Kudhani, Anchal- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The Sub Divisional Officer, West, Muzaffarpur.
3. The Circle Officer, Kudhani, Muzaffarpur.
4. Manju Kumar, Halka Karmchhari, Mauza- Chandrahatti, P.S. and Anchal-
Kudhani, District- Muzaffarpur.
5. Viveka, Amin, P.S. and Anchal- KUDhani, District- Muzaffarpur.
6. Chandeshwar Sah, Ward Member, Ward No. 5, Chandrahatti, P.S. and
Anchal- Kudhani, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.
For the Respondent/s : Mr.Government Advocate (3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.I. For quashing the Memo No. 333 dated
09.03.2024 issued by the respondent No. 2 Sub
Divisional Magistrate, West, Muzaffarpur on the
request of respondent No. 3 Circle Officer, Kudhani
made by his letter No. 420 dated 04.03.2024 in
compliance of his order passed in Encroachment
Case No. 7 of 2022-23 whereby the respondent No. 3
was appointed as Magistrate for removing the
encroachment and also deputed police force without
considering the facts that Title Suit No. 79 of 2003
was pending between the petitioner and respondent*



No. 1 (Defendant No.17) and respondent No. 3 (Defendant No. 18) and others in respect of the said land, and an encroachment appeal is also pending before the respondent No. 1 filed by the petitioner against notice under section 6 (2) of Bihar Public Land Encroachment Act 1956 issued by the respondent No. 3 in Encroachment Case No. 7 of 2022-23 for demolishing the residential house in the name of encroachment.

II. For further direction to restrain the respondent No. 3 to issue any notice for demolishing the residential house of the petitioner in the name of removing encroachment to the petitioner during the pendency of the aforesaid suit.

III. For further direction to the respondent No. 3 to not disturb the possession of the petitioner over the said land till the disposal of the aforesaid suit.

IV. For further direction to the respondent No. 1 & 3 to positively participate in the aforesaid suit for expeditiously disposal of the same.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, Muzaffarur, to expedite the proceedings of the encroachment appeal filed by the petitioner against the final order, passed by the Circle Officer, Kudhani, District-Muzaffarpur, in Encroachment Case No.7 of 2022-23, as also seeks a direction upon the learned Trial Court to expedite the proceedings of the Title Suit No.79 of



2003, filed by him.

3. It is needless to state that in case the petitioner approaches the aforesaid authorities, for the purposes of expediting the appeal in question, as also the suit proceedings, the appropriate authority/the learned Trial Court shall consider the same, sympathetically.

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

(Mohit Kumar Shah, J)

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