

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7517 of 2020

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Gagandev Pande @ Gagandev Panday Son of Late Shukadev Pande Resident
of Village Hariharpur Bhikhi, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary Govt. of Bihar, Patna.
2. The District Magistrate Muzaffarpur.
3. The S.D.O. (West) Muzaffarpur.
4. The Circle Officer Paroo, Muzaffarpur.
5. S.H.O. Paroo Police Station Muzaffarpur.
6. Lal Babu Rai Son of Late Kali Rai Resident of Village- Hariharpur Bhikhi,
P.S.- Paroo, District- Muzaffarpur, Pin code No.- 843112.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Nachiketa Jha, Adv.
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 13-11-2024 The present writ petition has been filed seeking the
following relief:-

“1(i). For issuance of an order, orders, direction,
directions, writ including writ in the nature of
Mandamus directing the respondents concerned
to get the encroachment removed from the public
land bearing Khata No 199, Khesra No. 314, Area
2.13 Decimal as well as from the front portion of
the petitioner land bearing Khata No:133, Khesra
No. 438,423 and 422, situated at village
Hariharpur Bhikhi, Circle Office- Paroo, P. S:
-Paroo, District:- Muzaffarpur, which has been
encroached by the respondent No. 6, resulting in
blockage of the public Road as well as the front
portion of the land of the petitioner.”



2. At the outset, the learned counsel for the Respondent-State submits, by referring to paragraphs no. 10 and 24 of the counter affidavit filed in the present case that the Circle Officer, Paroo, had initiated encroachment proceedings, vide Encroachment Case No. 6 of 2019-20 and thereafter, the encroachment has also stood removed from the road in question, hence, the present writ petition has been rendered infructuous.

3. This Court finds that the petitioner has not rebutted the aforesaid stand taken by the Respondent-State in the counter affidavit filed in the present case, inasmuch as no rejoinder affidavit has been filed. Hence, considering the aforesaid stand taken by the Respondent-State in the counter affidavit filed in the present case, I deem it fit and proper to dispose off the present writ petition, as having been rendered infructuous.

(Mohit Kumar Shah, J)

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