

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11695 of 2014

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Badri Sah son of Late Bhuta Sah, Resident of Village- Parwaha, P.S. Parihar,
District- Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi
3. The Sub-Divisional Magistrate, Sitamarhi Sadar, District- Sitamarhi
4. The Circle Officer, Parihar, District- Sitamarhi null null
5. The Station House Officer, Parihar, District- Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr.Gp22- G.P. Ojha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-07-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing, the Notice dated 09.06.2014 passed in Encroachment Case No.10/2005-06 by the Respondent no.4, whereby and where under the Respondent no.4 has been pleased to direct the petitioner to remove the so- called encroachment over the land bearing Khesra No.1138 measuring an area 0.03 decimals within seven days which was passed pursuant to the ex-parte order dated 15.03.2014 passed by the Respondent no.3.

(II) For issuance of an appropriate writ in the



nature of MANDAMUS, commanding and directing the Respondent Authorities to comply the order dated 26.04.2014 passed by the learned Sessions Judge, Sitamarhi in Criminal Revision Case No. 35 of 2014 whereby and where under the learned Sessions Judge, Sitamarhi has been pleased to stay the order dated 15.03.2014 since it was ex-parte order.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities not to remove from the peaceful possession of the petitioner over the land bearing Khesra No.1138 since it was obtained by the wife of the petitioner by the Bihar Bhudan Yagya Committee and the same was mutated in the name of the wife of the petitioner for which the wife of the petitioner is paying rent to the State Government.”

2. Though, the petitioner has assailed the notice dated 09.06.2014, issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.10 of 2005-06, however, the learned counsel for the respondent-State has submitted by referring to the supplementary counter affidavit, filed in the present case on behalf of the respondents no.2 to 4 that the jamabandi, existing in the name of the wife of the petitioner, namely, Sheetal Devi,



pertaining to the land in question has already stood cancelled by an order dated 21.08.2015, passed by the Additional Collector, Sitamarhi. Thus, it is submitted by the learned counsel for the respondent-State that in case the petitioner is aggrieved by the said order dated 21.08.2015, he may challenge the same.

3. The aforesaid aspect of the matter has not been controverted by the learned counsel for the petitioner, inasmuch as no rejoinder affidavit has been filed in the present case, hence I deem it fit and proper to dispose off the present writ petition, while granting liberty to the petitioner to assail the order dated 21.08.2015, passed by the Additional Collector, Sitamarhi, as aforesaid, in case the petitioner is aggrieved by the same.

(Mohit Kumar Shah, J)

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