

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16702 of 2014

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1. Tribhuan Tiwary, son of Late Paras Tiwary
 2. Rakesh Tiwary, son of Tribhuan Tiwary
 3. Ramanand Mahto son of Late Harihar Mahto, All are resident of village-
Pipra Pakdi, Tola- Rani Pakdi, P.S.- Bettiah Muffasil, P.O. and Anchal
Bettiah, District- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, West Champaran, at Bettiah
3. The District Panchayat Officer, West Champaran at Bettiah
4. The Block Development Officer, Bettiah, West Champaran
5. The Circle Officer, Circle Bettiah, West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva, Advocate
For the Respondent/s : Mr.Kamresh Singh, AC to SC-28

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-05-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1(A) For issuance of an appropriate, writ/or
writs, order/orders, direction/or directions, in the
nature of certiorary for Quashing the notice dt.
27.8.14, issued in Encroachment case no. 4/14-15
issued by the Respondent no. 5, whereunder and
whereby the petitioners respectively directed to
appear in said Encroachment preceeding and to
file their respective & snow cause within a week
i.e. by 3.9.14. The said notice has been issued in
arbitrary manner and with malafide intention by*



the Respondent no. 5, which is 4 against the provision of section 3(1), of the said act in which at least two weeks time from the date of service of the notice is required.

(B) For issuance of an appropriate writ/or writs in the nature of certiorary for quashing the said Encroachment case no. 4/14-15, which is initiated against the petitioners in very arbitrary and malafide manner, whereas the proceeding is also not maintainable in the light of section 2(1A) of the encroachment act as the land in question is free from the public use and now the petitioners and others have acquired their right by way of adverse possession.

C. For declaration that the action of the Respondents, specially respondent no.5, is patently illegal arbitrary, malafide and abdication of his administrative power”

2. At the outset, the learned counsel for the respondent-State submits by referring to the counter affidavit, filed in the present case that the encroachment in question has already stood removed, hence the present writ petition has been rendered infructuous.

3. The learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other remedies, as are otherwise available, under the law for redressal of his subsisting



grievances, if any. Liberty so sought is granted.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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