

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15999 of 2015

=====

Sudhir Chandra Rai @ Sudhirschandra Rai Son of Late Kalanand Rai resident
of village - Dahiya, P.S. Bhagwanpur, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai
3. The Superintendent of Police, Begusarai
4. The Sub - Divisional officer, Teghra District - Begusarai
5. The Circle officer, Bhagwanpur, District - Begusarai
6. The Officer - in - Charge, Bhagwanpur Police Station, District - Begusarai
7. Bhim Mahto Son of Late Manik Mahto resident of village - Dahiya, P.S.
Bhagwanpur, District - Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Jai Prakash Singh, Adv. Mr.Pankaj Kr. Singh, Adv.
For the State	:	Mr.Zeeshan Kalim, AC to SC-20

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-09-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.i) For issuance of an appropriate writ, writs/
order and/or direction for removal of the
encroachment made by the private respondent
upon the land which is Gairmazarua Aam Rasta,
from Dahiya Kamla Pat Asthan to Nawla, which
is situated at Mauza Dahiya, Thana No.416, Tauzi
No.5210, Khata No.572, Khesra No.748, an area
of 10 dhur.*

*ii) For issuance of an appropriate writ,
writs/order or for direction for appointment of*



learned Magistrate and constable for removal of the said encroachment by the private respondent from the aforesaid land.

iii) For issuance of an appropriate writ, order or direction to the Government respondents to ensure the possession of the land.

iv) For issuance of an appropriate writ, order or direction to restrain the private respondent from making encroachment upon the aforesaid land mentioned above.

v) For issuance of an appropriate writ, order or direction to the respondents to restore the possession with regard to the aforesaid land.

vi) For issuance of an appropriate writ for directing the respondents to abide by the order passed by the Circle Officer, Bhagwanpur on 19.2.2010 in Encroachment Case No.5/09-10.”

2. At the outset, the learned counsel for the petitioner submits that the Circle Officer, Bhagwanpur, District-Begusarai, has already passed the final order dated 27.11.2009, in Encroachment Case No.5 of 2009-10, directing the encroachers to vacate the encroached land, hence he be directed to enforce the same.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Bhagwanpur, District-Begusarai, to enforce his aforesaid order



dated 27.11.2009, in case there is no other legal impediment and in case the said order has not been annulled by any higher forum/Court of law, by removing the encroachment in question, by taking recourse to the due process of law, within a period of eight weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

