

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14599 of 2018

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1. Mohan Prasad Son of late Shiv Sah
 2. Nand Kishore Prasad
 3. Hari Kishore Prasad
 4. Avadh Kishore Prasad
- petitioner nos. 2, 3 and 4 are Sons of Ganesh Prasad resident of Village- Mustafabad, P.O. and P.S. Mustafabad, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. Director General of Police, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Circle Officer, Goriyakothi, District- Siwan.
6. The SHO Goriyakothi Police Station, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate Mr. Shikhar Moni, Advocate Mr. Rishabh Gupta, Advocate Mr. Lakshmi Gupta, Advocate Mr. Rajnish Prakash, Advocate
For the State	:	Mr.Md. Majid Mahboob Khan, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-09-2024 The present writ petition has been filed seeking the following relief(s):-

“1 (i). For issuance of direction to the Respondent Circle Officer, Goriyakothi, and the SHO Goriyakothi Police Station, District Siwan, to not disturb the peaceful possession of the petitioners or threaten the petitioners or forcefully dispossess the petitioner from 8 Katha 7 dhurs



of land, appertaining to Khata No.318, Plot No.334 situated at Village- Mustafabad, without there being any encroachment proceeding in terms of Bihar Public Encroachment Act, inasmuch as Jamabandi No.2213 is already existing in the name of Mohan Prasad, petitioner no.1 and Ganesh Prasad, father of the petitioners no.2, 3 and 4 and further they are in possession of the land since 1949, on the basis of one Jarpashki and thereafter, since 27.11.1963, on the basis of the sale deed executed to Saiyad Jafar Hasnail and further a Title Suit No.141 of 1964 was also filed but the same has been dismissed.

ii. For a further direction to the respondent Circle Officer, Goreyakothi to produce a copy of the order sheet of the encroachment proceeding if any initiated against the petitioners with regard to the aforementioned land and after production thereof, the same may be quashed as the petitioners have no notice with regard to initiation of any encroachment proceeding, but the Circle Officer, Goreyakothi, through the SHO, Goreyakothi Police Station, District Siwan is trying hard to disposes the petitioners.”

2. At the outset, the learned counsel for the respondent-State submits, by referring to the counter affidavit filed in the present case, that at the moment, no encroachment proceedings qua the petitioner herein are pending before the Circle Officer, Goriyakothi, District-Siwan, hence the respondents do not intend to disturb the petitioner.



3. Having regard to the facts and circumstances of the case, this Court finds that since the respondents are not seeking to disturb the possession of the petitioner, no *lis* survives in the present case, hence the writ petition stands disposed off, however, with an observation that the respondents shall not create any hindrance in the possession of the petitioner, without taking recourse to the due process of law, if so warranted.

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

(Mohit Kumar Shah, J)

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