

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8790 of 2024

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Biwi Nafila Khatoon W/o Salauddin, Resident of Village- Meghauna, PS-
Alauli, Dist.- Khagaria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. Additional Collector, District- Khagaria (Bihar).
3. Circle Officer- Alauli, District- Khagaria (Bihar).
4. Sohana Khatoon W/o Md. Moti Resident of Village- Meghauna, PS- Alauli, Dist.- Khagaria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arghesh Kumar
For the Respondent/s : Mr.Standing Counsel (6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-07-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of a writ in the nature of certiorari, quashing the impugned order dated 9.12.2023 (Annexure P/4) passed by the Respondent No. 2 in Encroachment Appeal No. 02/2021-22 whereby and whereunder the said respondent has rejected the appeal of the petitioner and has affirmed the order of the Respondent No.3 who has declared the rayati land of the petitioner bearing Khata No. 706, Khesra No. 2809, situated at Mauza-Meghauna as Gair-Mazarua Khas.

(ii). For issuance of writ in the nature of MANDAMUS directing the Respondent



Authorities to restore the possession and to re-construct the demolished house over the land bearing Khata No.-706, Khesra No. 2809, situated at Mauza-Meghauna as the same has been illegally demolished without following due process of law.

(iii). For issuance of a writ in the nature of declaration, declaring the encroachment proceedings bearing Encroachment Case No. 10A/2018-19 concluded by the Respondent No. 3 as null and void since the land pertaining to Khata No. 706, Khesra No. 2809, situated at Mauza-Meghauna, which has been declared as 'gairmazarua khas, by the Respondent No. 3 is the purchased property of the petitioner vide sale deed no. 4051 dated 11.06.2010 and over the same plot Respondent No.4 has constructed his house and his building structure has not been touched.

(iv). For issuance of a writ/order/s, declaring the demolition of petitioner's house, done on 17.03.2021 as illegal and contrary to law. And further this Hon'ble Court be pleased to issue direction to the Respondents and the concerned officers of the Respondent No. I to compensate the Petitioner to the tune of Rs.10,00,000/- (Rupees Ten Lakhs only) towards damages suffered due to the illegal demolition.”

2. After some arguments, the learned counsel for the



petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law including that of filing a suit before the learned Civil Court having competent jurisdiction. Liberty, so sought, is granted.

3. It is needless to state that for a period of six weeks from today, status quo, existing as on today qua the land / house of the petitioner in question, shall be maintained, in order to enable her to approach the appropriate forum / Court of law and obtain interim relief.

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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