

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8145 of 2024

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Md. Jarar Alam son of Md. Mokhtar Alam, resident of Village- Murhena, P.S.-
Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the D.M. Nawada.
2. The S.D.O., Nawada.
3. The D.C.L.R. Rajauli, Nawada.
4. The Circle Officer, Rajauli, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhirendra Singh, Advocate
For the Respondent/s	:	Mr.Government Pleader 19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 15-07-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. i. To issue a writ in the nature of Certiorari for quashing the order dated 15.04.2024 passed by C.O. Rajauli, Nawada in Encroachment Case No. 10 of 2023-24 by which petitioner was directed to remove the encroachment from the land bearing Mauza Murhena, Thana no. 236, Khata no. 354, Kesra No. 1417.

ii. To direct the respondent authorities not to disturb the physical possession of the petitioner because the land in question, is the raiyati land of the petitioner and the ancestors of the



petitioner have been residing upon the land by building a pacca house since 80 years.

iii. To direct the respondents to stay the operation of the order dated 15.04.2024 till the pendency of the writ application."

2. At the outset, the learned counsel for the respondents has referred to the counter affidavit filed in the present case as also has produced an order dated 15.04.2024, passed by the Circle Officer, Rajauli, District-Nawada in connection with Encroachment Case No. 10 of 2023-24 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, which is taken on record. It is submitted that in case the petitioner is aggrieved by the aforesaid order dated 15.04.2024, he may file appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to challenge the aforesaid order dated 15.04.2024, by filing



appropriate appeal, in case he is aggrieved by the same.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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