

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8657 of 2024

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Shatrudhan Sah S/O Late Brahmdeo Sah Resident of Village - Rulahi
Nizamat, P.S.- Majhauria, Dist. West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, West Champaran at Bettiah.
2. The Collector-cum-District Magistrate, West Champaran at Bettiah.
3. The Additional Collector, Bettiah, West Champaran.
4. The Sub-Divisional Officer, Bettiah Sadar, Bettiah, Dist.- West Champaran.
5. The Circle Officer, Majhauria Block, Majhauria, District- West Champaran.
6. The Officer-in-Charge, Majhauria Police Station, Majhauria, District - West Champaran.
7. Dhananjay Sah S/O Jang Bahadur Sah Resident of Village-Rulahi, Tola Bishambhra, P.S.- Majhauria, District-West Champaran.
8. Mishri Sah S/O Jang Bahadur Sah Resident of Village-Rulahi, Tola Bishambhra, P.S.- Majhauria, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Respondent/s : Mr.Standing Counsel (18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-08-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(A). For issuance of a writ in the nature of certiorari or any other appropriate writ, order/s, quashing the notice dated 01.06.2016 issued by the respondent no. 5 directing the petitioner and others to appear before him in respect of Encroachment over a piece of land appertaining to khata No. 318, plot no. 2136, measuring 03 decimal falling under Rulahi Nizamat Village of



Majhaulia Police Station under West Champaran District. (Annexure-P/2).

B. For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, commanding the respondents for the followings:-

(I). To treat the Annexure-P/2 to this application to be nullity and non- est in the eye of law.

(II). To supply the order sheet of Encroachment Case No. 02/2016-17 so that the petitioner could be able to avail the remedy of appeal available to him under law.

(III). To hold that non supply of the aforesaid order will tantamount to demolish the premises of the petitioner without allowing him to avail the statutory remedy of appeal.”

2. At the outset, the learned counsel for the Respondent-State fairly submits that no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed against the petitioner in the ongoing encroachment proceedings, initiated by the Circle Officer, Majhaulia, District-West Champaran, i.e. the one bearing Encroachment Case No. 2 of 2016-17, hence, no action is going to be taken against the petitioner herein, as far as removal of any sort of encroachment is concerned, thus, the present writ petition has been rendered infructuous.

3. At this juncture, the learned counsel for the petitioner



submits that in case, it is the submission of the learned counsel for the Respondent-State that no order, holding the petitioner to be an encroacher, has been passed by the Circle Officer, Majhaulia, District-West Champran, then the petitioner is not having any grievance, hence, the present writ petition be disposed off.

- 4. Accordingly, the present writ petition stands disposed off.
- 5. Interim order, if any, stands vacated.

(Mohit Kumar Shah, J)

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