

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10300 of 2023

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Jairam Mandal S/o Bhajju Mandal, Resident of Village-Dahiyar, P.S. Hathauri, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Additional Collector, Samstipur-cum-1st Appellate Authority, Public Grievances Redressal, Samastipur.
4. The Sub-Divisional Officer, Rosera District Samastipur-cum-Sub-Officer Divisional Public Grievance Redressal Rosera, District-Samastipur.
5. The Anchal Adhikari, Shivaji Nagar, District-Samastipur.
6. Panchu Mandal, son of Domi Mandal, resident of Village Sarahila, Ward No. 04, P.S. Hathauri, District-Samastipur.
7. Nathuni Mandal, Son of Sukhdeo Mandal, resident of Village Sarahila, Ward No. 04, P.S. Hathauri, District-Samastipur.
8. Dinesh Mandal, son of Jago Mandal, resident of Village Sarahila, Ward No. 04, P.S. Hathauri, District-Samastipur.
9. Sukan Mandal, son of Domi Mandal, resident of Village Sarahila, Ward No. 04, P.S. Hathauri, District-Samastipur.
10. Ganesh Mandal, son of Jago Mandal, resident of Village Sarahila, Ward No. 04, P.S. Hathauri, District-Samastipur.
11. Durga Mukhiya, son of Bahujan Mukhiya, resident of Village Sarahila, Ward No. 04, P.S. Hathauri, District-Samastipur.
12. Mukhlal Mandal, son of Bihari Mandal, resident of Village Sarahila, Ward No. 04, P.S. Hathauri, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Mushtaque Alam, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, A.A.G.-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-04-2024 Heard the parties.

2. The present petition has been preferred for the
following reliefs:-



(i) for issuance of an appropriate writ/ order or direction quashing the order dated 11.10.2018 passed in Additional Collector – cum - 1st Appellate Authority Public Grievances Redressal Officer, Samastipur by which the appeal filed by the petitioner has been dismissed contained in Annexure-6 to this writ application;

(ii) for issuance of appropriate writ / order or direction quashing the order dated 31.07.2018 passed in Case No. 51 9410104061802425 by the respondent No. 4 by the case of the petitioner has been dismissed as contained in Annexure-5 to this writ application;

(iii) for issuance of an appropriate writ/order or direction commanding the respondent authorities to remove the encroachment made by the respondent No. 6 to 12 on the public land appertaining to Thana No. 14, Khata No. 339, Khesra No. 1334,1410 and 1710/2128 situated in village Parsa Thana Rosera, P.S. Hathauri District Samastipur;

(iv) for issuance of appropriate writ,



order or direction commanding the respondents to make the abovementioned land available for public use as Aam Rasta.

3. The writ petition has been filed by Jairam Mandal whereas order under challenge shows that the person concerned was Ram Narayan Mandal.

4. Even the writ petition has been filed six years after the 2018 order came into existence.

5. Learned Counsel for the petitioner submits that now that a counter affidavit on behalf of the respondent nos. 2 to 5 has come and paragraph-18 shows that Encroachment Case No. 17 of 2023-24 has been initiated by the concerned Circle Officer, he shall be appearing in that proceeding.

6. In that view of the matter, the writ petition stands disposed of allowing the petitioner to appear before the concerned authority in Encroachment Case No. 17 of 2023-24 which shall be taken to its logical conclusion at an earliest.

(Rajiv Roy, J)

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