

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10008 of 2024

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Parmanand Singh Son of Late Kamdeo Singh, Resident of Village-
Maniyarchak Rajpur, P.O. and P.S.- Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue Reforms, Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The District Magistrate, Lakhisarai.
4. The Additional Collector, Lakhisarai.
5. The Sub-Divisional Officer, Lakhisarai.
6. The Deputy Collector, Land Reforms, Lakhisarai.
7. The Circle Officer, Suryagarha, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Advocate
For the Respondent/s : Mr.Standing Counsel 6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-08-2024 The present writ petition has been filed
seeking the following reliefs:-

“1. (i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of Mandamus commanding and directing upon the respondent No.7 (the Circle Officer, Suryagarha, Collector appointed under section 2(1) of the Bihar Public Land Encroachment Act 1956) to remove the encroachment from the public land measuring an area 37 decimal



appertaining to Thana No.73, Khata No.324. Khesra No.1223, 1228 and 1313 situated at Mauza-Vishanpur, P.S.- Suryagarha, District- Lakhisarai said to be encroached by the villagers.

(ii) To direct the Circle Officer, Suryagarha to remove the encroachment from the above-mentioned land which stood recorded as Gairmazarua Aam Land causing inconvenience to the villagers in commuting from the land.

(iii) To direct the respondent no.7 to take appropriate legal action against the encroachers who has not removed the encroachment despite final order passed in Encroachment Case section 6(1) of the Bihar Public Land Encroachment Act 1956."

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, Lakhisarai, to ensure that the order dated 18.09.2023 passed by the Circle Officer, Suryagarha, District-Lakhisarai in connection with Encroachment Case No. 22 of 2022-23 is enforced forthwith.

3. *Per contra*, the learned counsel for the



respondent-State submits that in case there is no other legal impediment and the aforesaid order dated 18.09.2023 has not been annulled by any higher forum/Court of law, the same would definitely be executed forthwith and the encroachment shall also be removed immediately.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Lakhisarai to ensure execution of the aforesaid order dated 18.09.2023, passed by the Circle Officer, Suryagarha, District-Lakhisarai, in case there is no other legal impediment and the same has not been annulled by any higher forum/Court of law, by taking recourse to the due process of law, forthwith.

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

(Mohit Kumar Shah, J)

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