

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12812 of 2023

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Ritesh Kumar Mishra son of Sri Kaushalendra Mishra, Resident of Village-
Chakhabib, P.S. Vibhutipur, District-Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The District Magistrate-cum-Collector, Samastipur.
3. The Deputy Collector of Land Reforms, Samastipur.
4. The Sub-Divisional Officer, Rosera, Samastipur.
5. The Circle Officer, Bibhutipur Block, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amitabh Sohan, Advocate

For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-07-2024 The present writ petition has been filed
seeking the following reliefs:-

“1. a) For issuance of an appropriate writ/order/direction in the nature of mandamus directing Respondent no. 5 to take appropriate action and carry out encroachment proceedings in Encroachment Case No. 06 of 2018-19 in light of order dated 30.01.2023 passed by Respondent no. 2 dismissing Public Land Encroachment Appeal no. 547 of 2019 and returning the records to Respondent no. 5 for appropriate action, as a consequence



of which orders of Respondent No. 5 directing the encroachers to remove encroachment as passed by Respondent no. 5 in Encroachment case no. 06 of 2018-19 got revived and are required to be concluded in accordance with law.

b) For issuance of an appropriate writ/order/direction in the nature of mandamus directing Respondent no. 2 to take appropriate steps for enduring that encroachment proceedings are resumed, carried out and concluded by Respondent no. 5 in accordance with law."

2. At the outset, the learned counsel for the respondent-State has referred to paragraph no. 10 of the counter affidavit filed in the present case on behalf of the respondents no. 1 to 5 to submit that the encroachment in question has already stood removed on 08.01.2024, hence the present writ petition has been rendered infructuous.

3. *Per contra*, it is the stand of the petitioner that some encroachment still exists.

4. In view of the aforesaid, I deem it fit and proper to grant liberty to the petitioner to



approach the District Magistrate, Samastipur and the Circle Officer, Bibhutipur Block, District-Samastipur for redressal of his subsisting grievances.

5. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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