

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13261 of 2023

Shambhu Sahani Son of late Phuleshwar Sahani, R/o Village- Jaughatta
Harisinghpur, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Revenue and Land Reforms Department.
2. The District Magistrate cum Collector, Darbhanga.
3. The Deputy Collector Land Reforms Officer, Benipur, Darbhanga.
4. The Sub Divisional Officer, Benipur, Darbhanga.
5. The Circle Officer, Anchal- Alinagar, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 15-02-2024 Heard the parties.

2. The present application has been for the following
reliefs

(i) For setting aside the order dated 28.02.2023 passed in Encroachment Appeal No.- 348/2021 by the Collector -cum- District Magistrate, Darbhanga by which the learned court below has reject the prayer of the petitioner and confirmed the order of the Circle Officer, Alinagar, Darbhanga passed in Encroachment Case No.- 81/2021 on 27.03.2021.

(ii) For setting aside the order dated 27.03.2021 passed in Encroachment Case No.- 81/2021 by the Circle Officer, Ali Nagar, Darbhanga by which the Circle Officer, Alinagar passed an order to remove the house of the petitioner and others from Khata No.- 1782 (new), Khesra No.- 5696 (new) of Area 2 Dismil on the basis of complaint of one Bhola Sahani and on the report of Halka Karamchari and Ameen only without verifying the actual possessions and valid documents of the land.

(iii) For setting aside the notice issued by the



Circle Officer, Alinagar, Darbhanga to the petitioner and others vide his letter no.- 717 dated 24.06.2023 by which the Circle Officer directed the petitioner and others to remove their houses from the aforesaid land.

(iv) For setting aside the entire proceeding/directions, issued/initiated petitioner and against the others connection with Encroachment Case No.- 81/2021 by the respondents authority.

(v) A mandamus direction to the respondents authority to stay the further proceedings/actions against the petitioner and other which has been initiated in connection with Encroachment Case No.- 81/2021 till disposal of the present petition.

3. The petitioner has lost in the encroachment proceeding as well as in the appeal. In the writ jurisdiction, the petitioner wants reappraisal of the entire facts of the case which is not permissible in law.

4. There is no factual error in the decision passed by the original as well as the appellate authority under the Bihar Public Land Encroachment Act.

5. This application is dismissed with liberty to the petitioner to file an appropriate title suit in the District Court for redressal of his grievances.

(Sandeep Kumar, J)

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