

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11876 of 2024

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Ravi Thakur S/o Late NirdhanThakur, resident of Village-Inai Dih Tol, P.S.-
Baheri, District-Darbhang.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Revenue Department, Government of Bihar, Old Secretariat, Patna.
2. The Collector, Darbhanga.
3. The Additional Collector, Darbhanga.
4. The S.D.O. Sadar, Darbhanga.
5. The Superintendent of Police, Darbhanga.
6. The Dy. S.P. Benipur, Dist. Darbhanga.
7. The Station House Officer, Baheri x
8. The Circle Officer, Baheri, Darbhanga.
9. Bindeshwar Thakur S/o Late Singheshwar Thakur, resident of Village-Inai Dih Tol, P.S. Baheri, District-Darbhang.
10. Shankar Thakur, S/o Late Singheshwar Thakur, resident of Village-Inai Dih Tol, P.S. Baheri, District-Darbhang.
11. Murari Thakur, S/o Late Singheshwar Thakur, resident of Village-Inai Dih Tol, P.S. Baheri, District-Darbhang.
12. Kishori Thakur, S/o Late Singheshwar Thakur, resident of Village-Inai Dih Tol, P.S. Baheri, District-Darbhang.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.
For the Respondent/s : Mr. Anil Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-08-2024 The present writ petition has been filed seeking the following relief:-

“1. That the present writ application is being filed for issuance of writ in the nature of mandamus commanding the Respondents especially the Respondent No.4 to 8 to immediately remove the



encroachment made over the Plot No. 1313 & 1314, pertaining to Khata No. 841, Mauza Inai, Thana No.84, having rakba 2 decimal each in both the plots totalling to 4 decimal, in terms of decision of Encroachment Case No. 13 of 2019.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, Darbhanga, to ensure compliance of the final order, passed by the Circle Officer, Baheri, Darbhanga, in connection with Encroachment Case No. 13 of 2019, as also for removal of the encroachment in question, which has not yet been removed, despite notices having been issued by the Circle Officer, Baheri, Darbhanga, under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, as long back as on 8.11.2019.

3. Per contra, the learned counsel for the Respondent-State submits that in case, there is no other legal impediment, the encroachment in question shall definitely be removed, within a stipulated time frame, by taking recourse to the due process of law.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Darbhanga, to ensure compliance of the final order, passed by the Circle Officer, Baheri, Darbhanga, in connection with



Encroachment Case No. 13 of 2019, by removing the encroachment in question, by taking recourse to the due process of law, if there is no other legal impediment as also in case the final order, as aforesaid, passed by the Circle Officer, Baheri, Darbhanga, has not been annulled by a higher forum / Court of law, within a period of six weeks of receipt / production a copy of this order.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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