

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11862 of 2024

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Akbar @ Akbar Ansari Son of Kasim Ansari @ Kasim resident of Village and
P.O. Walidad, P.S. Mehandiya, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Arwal.
2. The Circle Officer, Kaler Block, District Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the Respondent/s : Mr. Rajesh Roy, AC to SC-22

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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 reliefs:-

“1. (i) For the issuance of an appropriate writ / writs order/orders, direction/directions in the nature of Mandamus and Certiorari, commanding the respondents to stay the proceeding initiated vide Encroachment Case No.01/024- 025 on pick and choose basis whereby and whereunder petitioner was directed to remove the stairs of the roof of the house made over on the Khata No.217 pertaining to plot No. 1365 but the three feet flank of the road pertaining to Khata no.270, plot No.1399 touches the said plots which was ordered to vacate/remove by letter No.733 dated



6.7.2024 issued by the respondent No.2 without hearing the parties and further directed to remove the same upto 19.7.2024, without any final measurement of the land in question, may be issued.

ii. For issuance of any other appropriate writ/writs, order/orders, direction/directions commanding the respondents to stay the order issued dated 6.7.2024 under letter no.733 till the final measurement of the land in question, may be issued."

2. At the outset, the learned counsel for the petitioner submits that though 11 persons have made similar encroachments as has been alleged qua the petitioner herein, however, the petitioner has been singled out and only his stairs touching the flank of the road has been demolished, hence he be granted liberty to approach the District Magistrate, Arwal to bring to his notice the said facts so that appropriate proceedings can be initiated against the remaining encroachers. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioner approaches the District Magistrate,



Arwal, by filing appropriate representation, within a period of two weeks from today, the same shall be disposed off by the District Magistrate, Arwal, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

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

(Mohit Kumar Shah, J)

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