

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12780 of 2023

Shivpujan Ram S/o Badri Ram R/o village Saraiya Khas Gadhwa P.S.
Paharpur Dist. East Champaran.

... .. Petitioner

Versus

1. The State of Bihar Through the District Magistrate Motihari East Champaran
2. Sub Divisional Officer Arearaj East Champaran.
3. The Circle Officer Paharpur East Champaran.
4. Malati Devi W/o Jaga Ram R/o village Saraiya Khas Gawdhwa P.S. Paharpur Dist E. Champaran

... .. Respondents

Appearance :

For the Petitioner : Mr. Dhannjay Kumar No. 2, Advocate
For the Respondents : Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 15-02-2024 By way of this writ petition, the petitioner has
prayed for the following reliefs:-

“[A] For issuance of a writ in nature of Mandamus or any other appropriate writ /writs/order/orders direction/ directions to quash notice dated 12.09.22 passed by Respondent No 3 to remove his house on the name of encroachment in Encroachment Case no. 11/21-22 over a piece of land appertaining to Khata No. 691 Keshra No. 4678 within village Sairya Ghadwa Block Paharpur District East Champaran.

[B] For issuance of an appropriate writ / writs order / orders/direction/ directions



to quash the impugned notices which have been issued without following the due procedure of law as contained in Bihar Public Land Encroachment Act.

[C] To hold that the impugned notices have been issued without providing reasonable opportunity of hearing to the petitioners.”

2. Paragraph no.6 of the counter affidavit filed by the State reads as under:-

“6. That after the aforesaid submission by the petitioner, the Circle Officer Paharpur invoked the provision of Review as provided under section 13 of Bihar Public Land Encroachment Act 1956 and reviewed the Order made by him earlier on 25-08-2022 passed under section 6(1) of Bihar Public Land Encroachment Act 1956. The C.O Paharpur in it's review has observed that as the land in encroachment proceeding had been in possession of petitioner's great grandfather as mentioned in the khatian and is still under the possession of petitioner's family and Circle Officer Paharpur after verification of khatian concluded that the land in encroachment proceeding can not be held as the public land and therefore the Circle Officer Paharpur has dropped the encroachment case no 11 of 2021- 22.”



3. In view of the statement of the State that the Circle Officer has dropped the Encroachment Case No.11 of 2021-22, this writ petition has become infructuous and accordingly, it is disposed of as having become infructuous.

4. The photocopy of the counter affidavit produced by learned counsel for the petitioner is taken on record as the original counter affidavit has not been brought on record by the office.

(Sandeep Kumar, J)

pawan/-

U			
---	--	--	--

