

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12983 of 2024

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Diwakar Kumar, Son of Anup Lal Mahto @ Anup Lal Mahto, resident of
Village- Gadi Bishanpur, P.O. and P.S.- Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector-cum-District Magistrate, Lakhisarai.
3. The Additional Collector, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisaria.
5. The Deputy Collector Land Reforms, Lakhisarai.
6. The Circle Officer, Suryagadha, District- Lakhisarai.
7. Ajit Kumar, Son of Govardhan Mahto, resident of Village- Gadi Bishanpur, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
8. Dinesh Mahto @ Arvind Kumar, Son of Tengar Mahto, resident of Village- Gadi Bishanpur, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
9. Naresh Kumar, Son of Late Chandar Mahto, resident of Village- Gadi Bishanpur, P.O. and P.S.- Piri Bazar, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Adv.
For the Respondent/s : Mr. Raghwanand, GA-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-09-2024 The present writ petition has been filed seeking the
following relief:-

*"1.(i)To issue an appropriate order/s
including a writ preferably in the nature of
Certiorari for quashing the order dated
14.02.2023 passed in Encroachment Case
No. 16/2022-2023 passed by the Circle
Officer, Surajgadha whereby and whereunder
he has dropped the encroachment proceeding*



with respect to land admeasuring an area of 5 decimal, appertaining to Khata No.324, Khesra No. 683, situated at Mauza-Bishanpur, P.O. + P.S. Piri Bazar, District-Lakhisarai which has been recorded as Gairmazarua Aam land type Thakurbari on the ground that land in question has been purchased through a sale deed executed in favour of the father of the respondent No.8.

(ii) To direct the Circle Officer, Suryagadha hereinafter referred to as respondent no.6 to remove the encroachment from the above-mentioned land and initiate a fresh encroachment proceeding under the provisions of Bihar Public Land Encroachment Act, 1956, said to be encroached by private respondents, taking into account the fact that land in question is a public land."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the final order dated 14.02.2023 passed by the Circle Officer, Suryagadha in connection with Encroachment Case No. 16 of 2022-23, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty, so sought, is granted.

3. It is needless to state that in case appropriate appeal is filed by the petitioner within a period of four weeks from today,



the same shall be heard by the appellate authority on merits.

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

(Mohit Kumar Shah, J)

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