

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2359 of 2015

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Usman Gani Son of Late Suleman Resident of village - Rasalpur, Police
Station Kadwa Balia Belon , District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Katihar
3. The Sub-Divisional Magistrate, Katihar
4. The Child Development Programme officer, Block Kadwa, District Katihar
5. The Block Development officer, Kadwa, District Katihar
6. The Circle officer, Kadwa, District Katihar
7. Md. Iqbal son of Fazlur Rahman (Convenor), Panchayat Sevak, Gram
Panchayat Raj Madaipur Panchayat, Block Kad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Fahimuddin, Advocate
For the Respondent/s : Mr. A. Ujjwal, SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 10-07-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1.(i) For issuance of a writ of Mandamus
or any other appropriate writ, order,
orders, direction commanding the
respondents for removing the
encroachment by constructing building of
Aganbari Centre on the land of R.E.O.
Road at village-Baluganj under Gram
Panchayat Raj Bhaw Nagar, Kadwa,
District- Katihar which are being used by
the villagers of the locality.
(ii) For issuance of writ of Mandamus or*



any other appropriate writ, order, orders, direction commanding the respondent to restrain the construction of building of Anganbari Centre on the land of R.E.O. Road at village Baluganj under Gram Panchayat Raj Bhaw Nagar, Kadwa, District- Katihar.”

2. At the outset, the learned counsel for the respondent-State has referred to the counter affidavit filed on behalf of the respondents no. 2 to 5 on 21.09.2015, to submit that after receipt of complaint from the petitioner, enquiry was made apart from the land having been again measured by the Anchal Amin and it was found that the road in question is 95 kari wide and even after deduction of the said area, the remaining area is sufficient for construction of the building of Anganbari Centre. It is also submitted that Anganbari Centre in question has already been constructed and the road in question is away from the donated land and 50 kari wide portion of land in question still remains, after construction of the building of Anganbari Centre, for the purposes of construction of road as also the brick soling work



has already been done over the said land, earmarked for the road in question, which is being utilized as road and is situated in front of the said Anganbari Centre building, hence the villagers are not facing any inconvenience. Thus, it is contended that the present writ petition has been rendered infructuous.

3. The aforesaid aspect of the matter has not been controverted by the petitioner inasmuch as no rejoinder affidavit has been filed, hence this Court finds that at the moment no lis survives for consideration, hence the present writ petition stand dismissed.

(Mohit Kumar Shah, J)

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