

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12991 of 2024

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Ali Imam son of Late Nesar Ahmad Khan, resident of Mohalla-Club Road,
Police Station-Aurangabad Town, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna.
2. The District Magistrate, Aurangabad, District Aurangabad.
3. The Circle Officer, Aurangabad Circle, District Aurangabad.
4. Anchal Amin, Aurangabad Circle, District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Wari Ahmad Khan, Adv.
For the Respondent/s : Mr. Mahtab Alam, AC to SC-20

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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 reliefs:-

“1(i). For issuance of an appropriate writ/writs in the nature of writ of certiorari for setting aside the order dated 08.08.2024, passed in Encroachment Appeal No. 71/2023, by the Respondent No. 2, whereby the said respondent has dismissed the appeal on improper & erroneous grounds;

(ii). For quashing the entire encroachment proceeding, initiated by Respondent No. 3, including the final order dated 26.06.2023, passed by the Respondent No. 3, in Encroachment Case No. 10/22-23, as the same has been done by the said respondent in absolute



violation of the provisions of Bihar Public Land Encroachment Act, 1956.

(iii). For issuance of an appropriate direction/directions to the respondents directing them to re-measure the land in question and thereafter initiate appropriate encroachment proceeding against the petitioner as per the law.”

2. At the outset, the learned counsel for the petitioner has produced an order dated 27.8.2024, passed by the learned Court of District Magistrate-cum-Collector, Aurangabad, in Revision Case No. 116 of 2024, which is taken on record.

3. The learned counsel for the petitioner submits that by the aforesaid order dated 27.8.2024, the matter has been remanded back to the Circle Officer, Aurangabad, for reconsideration of the case of the petitioner, after taking into account the documents to be filed by him, hence, it is submitted that at the moment, the petitioner is not having any grievance, but some protection be granted to the petitioner.

4. Having regard to the facts and circumstances of the case, this Court finds that the petitioner has already got the needful respite at the moment, inasmuch as the District Magistrate, Aurangabad, by the aforesaid order dated 27.8.2024, has remanded the matter back to the Circle Officer, Aurangabad, for



reconsideration of the case of the petitioner, hence, I deem it fit and proper to dispose off the present writ petition, however, with a direction that no coercive action shall be taken against the petitioner till the final decision is taken by the Circle Officer, Aurangabad.

(Mohit Kumar Shah, J)

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