

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20761 of 2018

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Shri Ram Singh Son of Late Dhavtal Singh, Resident of Mohalla Kataibagh,
Post office Manu Dehri, Police Station Dier, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhojpur at Ara.
3. The Sub Divisional Officer, Jagdishpur, District Bhojpur at Ara.
4. The C.O., Jagdishpur, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Fahad Khurshid, Adv.

For the Respondent/s : Mr.Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-07-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1. That this application is for quashing the proceeding which was initiated against the petitioner vide Encroachment Case No. 8/18-19 without considering the facts that the ancestor of the petitioner had taken the land from the ex-landlord, through the Patta prior to 1930. Thereafter the ancestor of the petitioner came in actual physical cultivating possession and constructed his house, Nad Charan and he was/is living over the disputed land since long. The petitioner further prays that during the course of the proceeding under section 144 of the Code of Criminal Procedure and the proceeding under section 188 of the Code of Criminal Procedure



the authority concerned found the possession of the petitioner and the revision case which was filed by his enemy was also dismissed on 14.2.2017 in Revision Case No. 105/2016. The petitioner further prays that a direction may be given to the respondent, C. O., Jagdishpur not to disturb his old possession and not harass the petitioner as he comes from the weaker section of the society and the petitioner has no other land. The petitioner further prays that due to mistake of the revisional survey authority the records of right has been prepared in favour of the state and after the knowledge the petitioner filed application before the Survey Settlement Officer, Shahabad, Ara which was abated under the Consolidation Act. Thereafter the petitioner filed application before the Director of Consolidation, Bihar, Patna which is pending for consideration for issuance of an appropriate direction/order for commanding the respondents not to disturb the petitioner.”

2. At the outset, the learned counsel for the respondent-State submits by referring to paragraphs no.13 and 14 of the counter affidavit filed in the present case that after the petitioner had produced a copy of the order dated 01.03.2019, passed in Title Suit No.23 of 2015, by the learned Court of Munsif, Jagdishpur, Bhojpur at Ara, the encroachment



proceedings were kept in abeyance, hence the petitioner is not having any threat, thus, the present writ petition be disposed off.

3. The aforesaid stand of the respondent-State has not been controverted by the petitioner inasmuch as no rejoinder affidavit has been filed.

4. Having regard to the facts and circumstances of the case, this Court deems it fit and proper to dispose off the present writ petition with liberty to the petitioner to avail such remedies as are otherwise available under the law for redressal of his subsisting grievances, if any.

(Mohit Kumar Shah, J)

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