

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14685 of 2024

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Anil Kumar Awasthi, S/o Bhim Shankar Awasthi, Resident of Ward No.7
Balha, P.O.-Balha, P.S.-Supaul, District-Supaul, Bihar, Pin Code-852130.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Revorms, Government of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Bihar
3. The District Magistrate, Supaul.
4. The Block Development Officer, Kishanpur.
5. The Circle Officer, Kishanpur, Supaul.
6. The Mukhiya, Gram Panchayat-Mehasimar, District-Supaul.
7. The Prakhand Pramukh, Kishanpur, District-Supaul.
8. The Panchayat Secretary, Gram Panchayat-Mehasimar, District-Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Tanushri, Advocate
For the Respondent/s : Mr. Standing Counsel (24)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2024 Heard the parties.

2. The petitioner is aggrieved by the action of the respondent State Officials who are bent upon to make construction and dig a pond over the land, in question, which he inherited from his forefather.

3. Drawing the attention of this Court to the averments made in the writ petition, as well as the order passed by the Circle Officer in Encroachment Case No. 02/2022-23, learned Advocate for the petitioner contended that with respect



to the land, in question, one '*Shiv Narayan Yadav*' had filed Public Interest litigation for removal of the encroachment and pursuant to the direction of this Court, the Circle Officer has enquired the allegation and after proper verification, disposed off the encroachment case vide order dated 06.09.2022 that the land, in question, is the *raiya* land and thus there is no question of encroachment over the Government land. Despite the aforesaid facts the Government officials are acting prejudicially to the right and interest of the petitioner.

4. Learned Advocate for the State, at this juncture, drawing the attention of this Court to Annexure-8 contended that for redressal of the grievance, the petitioner has already approached before the District Magistrate, Supaul by filing a detailed representation.

5. In view of the submissions advanced and the nature of the relief sought for, the present writ petition stands disposed off, with a direction to the District Magistrate, Supaul to consider the representation of the petitioner and disposed off the same after getting it verified through the revenue record, preferably within a period of three months from the date of receipt/production of a copy of this order.

6. Suffice it to say that any construction over the land,



in question, shall be subject to the final outcome of the order
passed by the District Magistrate, Supaul.

(Harish Kumar, J)

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