

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15137 of 2024

Md. Bashir Alam, Son of Late Md. Kalimullah, Resident of village- Sapahi,
P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector-cum-District Magistrate, District- East Champaran, Motihari.
3. The Sub-Divisional Magistrate, Sikrahana, Dhaka, District- East Champaran, Motihari.
4. The S.D.P.O. Sikrahana, Dhaka, District- East Champaran, Motihari.
5. The Circle Officer, Anchal- Dhaka, District- East Champaran, Motihari.
6. The Circle Inspector, Anchal- Dhaka, District- East Champaran, Motihari.
7. The Halka Karamchhari, Anchal- Dhaka, District- East Champaran, Motihari.
8. The Anchal Amin, Anchal- Dhaka, District- East Champaran, Motihari.
9. Imteyaz Alam, S/o- Md. Shamim, R/o village- Sapahi, P.S. Dhaka, District- East Champaran.
10. Sarfaraz Alam, S/o- Md. Shamim, R/o village- Sapahi, P.S. Dhaka, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Respondent/s : Mr. Ajit Kumar, AC to GA-7

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-10-2024 Heard Mr. Nafisuzzoha, learned Advocate for the
petitioner and Mr. Ajit Kumar, learned Advocate for the State.

2. The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction upon the respondent Circle Officer, Block- Dhaka, District East Champaran to ensure compliance of the order dated 21.05.2022, passed in Case No. 10 of 2022, by the Sub-Divisional Officer, Sikarhana, Dhaka, East Champaran, whereby



it has been directed to clear three feet passage and the way, which has been encroached by the private respondent nos. 9 and 10, who are agnates of the petitioner.

3. Learned Advocate for the petitioner contended that on account of illegal encroachment of the passage/way of the petitioner, he approached before the Sub-Divisional Officer, Sikarhana, Dhaka, East Champaran, who having heard the parties and with their consent, has passed order dated 21.05.2022. But despite the aforesaid order directing the Circle Officer to get the passage/way cleared, they are sitting tight over the matter and the entire passage/way of the petitioner has been blocked.

4. Learned Advocate for the State countering the submissions advanced on behalf of the petitioner submits that since the matter is pending before the Circle Officer, who shall look into the matter and take appropriate action in this regard. However, invoking the extraordinary jurisdiction of this Court for the reliefs as sought for is wholly misconceived.

5. Having heard the learned Advocate for the parties and considering the nature of the grievance, this Court deems it fit and proper to dispose off the writ petition with a liberty to the petitioner to approach the Circle Officer, Dhaka, East



Champaran, who shall look into the matter and pass appropriate order in terms of the order of the Sub-Divisional Officer, Sikarhana, Dhaka, East Champaran.

6. The entire exercise must be completed by the Circle Officer, Dhaka, East Champaran preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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