

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17612 of 2023

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Nayeem Miyan S/o Late Wakil Miyan, Resident of Village-Phatepur, P.S.-
Chanpatia, Dist.-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, West Champaran at Bettiah.
2. The Collector-cum-District Magistrate, West Champaran at Bettiah.
3. The Additional Collector, Bettiah, West Champaran.
4. The Sub-Divisional Officer, Bettiah Sadar, Bettiah, Dist.-West Champaran.
5. The Circle Officer, Chanpatia Block, Chanpatia, District-West Champaran.
6. The Officer-in-Charge Chanpatia Police Station, Chanpatia, District-West Champaran.
7. Bindhyachal Hajra, S/o Late Shivilal Hajra, Resident of Village-Phatepur, P.S.-Chanpatia, Dist.-West Champaran.
8. Bhim Hajra, S/o Late Shivilal Hajra, Resident of Village-Phatepur, P.S.-Chanpatia, Dist.-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-05-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1(A) For issuance of a writ in the nature of
certiorari or any other appropriate writ, order/s,
quashing the notice dated 09.10.2023 issued by the
respondent no. 5 in Encroachment Case No.
31/2022-23 directing the petitioner and his brother
to remove his residential premises from the subject
land latest by 30.10.2023. (Annexure- P/4)*



(B) For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, commanding respondents for the followings :-

(I) To treat the Annexure-P/4 to this application to be nullity and non- est in the eye of law.

(II) To hold that the impugned notice has been issued without following the due procedure of law as envisaged under the Bihar Public Land Encroachment Act, hereinafter referred to "the Act".

(III) To supply the petitioner the certified copy of the entire order sheet of the Encroachment Case No. 31/2022-23 so that the petitioner may avail remedy available to him under law."

2. At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, copy whereof has already filed online. Let the same be kept on record.

3. The learned counsel for the respondent-State submits by referring to the counter affidavit, filed in the present case that the Circle Officer, Chanpatia Block, Chanpatia, District-West Champaran has already passed the final order dated 09.10.2023, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.31 of 2022-23 and thereafter the petitioner has also



removed the encroachment in question, hence the present writ petition has been rendered infructuous.

4. At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to challenge the aforesaid order dated 09.10.2023, passed by the Circle Officer, Chanpatia Block, Chanpatia, District-West Champaran by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

5. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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