

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16399 of 2023**

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Binod Kumar Jha Son of Harsh Narayan Jha, resident of Village- Nahri, P.S.-  
Khutauna, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhubani.
3. The Sub-Divisional Office, Sub-Division, Phulparas, District- Madhubani.
4. The Circle Officer, Circle- Khutauna, District- Madhubani.
5. Dharmnath Jha resident of Village- Nahri, P.S. Khutauna, District- Madhubani.
6. Devkant Jha resident of Village- Nahri, P.S.- Khutauna, District- Madhubani.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Santosh Kumar, Advocate  
For the Respondent/s : Mr.Kumar Manish ( SC- 5 )

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      07-05-2024                      The present writ petition has been filed  
seeking the following reliefs:-

*“1. That the instant writ petition is being filed for issuance of Mandamus commanding and directing upon the concerned respondents particularly respondent No. 3 to remove encroachment over the public land i.e. pond by initiating proceeding as contemplated under the Bihar Public Land Encroachment Act, 1956 and due to inaction on the part of the authority*



*concerned by not discharging public duty as enshrined under the Act by removing encroachment over the Public Land because the smooth passage and other works of common people have been badly affected."*

2. At the outset, the learned counsel for the respondent-State has submitted, by referring to the counter affidavit filed in the present case that the Circle Officer, Khutauna, District-Madhubani, has passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), whereafter notice dated 15.12.2023 has also been issued to the encroachers by the Circle Officer, Khutauna under Section 6(2) of the Act, hence the encroachment in question would definitely be removed in case there is no other legal impediment. It is directed accordingly.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Madhubani to ensure enforcement of the aforesaid order dated 15.12.2023, passed by the Circle Officer, Khutauna



in Encroachment Case No. 6 of 2023-24, in case there is no other legal impediment, within a period of eight weeks of receipt/production of a copy of this order.

4. Accordingly, the present writ petition stands disposed off.

**(Mohit Kumar Shah, J)**

S.Sb/-

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