

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17510 of 2023

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Rajdeo Ray S/o Late Laldeo Ray @ Lalu Ray, Resident of Shubhash Nagar,
B.B. Ganj, Bhagwanpur, P.S.- Sadar, Anchal- Mushahari, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The Circle Officer, Mushahari, Muzaffarpur.
5. The Revenue Officer, Mushahari Anchal, Muzaffarpur.
6. The District Forest Officer, Muzaffarpur.
7. The S.H.O. of Sadar Police Station, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Chandra Shekhar Anand, Advocate
		Mr. Diwakar Prasad, Advocate
For the Respondent/s	:	Mr. Ajit Anand, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-08-2024 The present writ petition has been filed seeking the
following reliefs:-

“1. That, the petitioner prefers this writ application against the illegal demolition of the boundary wall of the petitioner, which was constructed by the petitioner on his own plot vide Plot No. 260, Thana No. 402, Village-Brahampura, by the Circle Officer, Mushahari, Muzaffarpur, by the notice vide Notice No.-01/Camp, dated 19.09.2023 as well as dated 04.10.2023 issued under Section 3 of Bihar Public Land Encroachment Act, 1956, on the basis of



complain made by a person.

a) For issuance of writ/writs, order/orders, direction/directions to the respondents to firstly ensure that, whether the petitioner has encroached any part of Public Land or not and then take an appropriate action.

b) For issuance of writ of Mandamus commanding the respondents to stop demolition of the boundary wall of the petitioner by quashing the notice dated 19.09.2023 and as well as dated 04.10.2023,

c) For issuance of writ/writs, direction/directions to the respondents to map the plot of the petitioner, which is in dispute, by survey knowing Amin and if any encroachment is found over the public land, made by the petitioner, the petitioner will remove it.

d) For issuance of writ/writs, order/orders to the respondents restraining the respondents authorities from taking any action disturbing the lawful possession of the petitioner over the land appertaining to Plot No. 260, village- Brahampura, Thana No. 402.

e) For issuance of writ/writs directing the respondent authority to forthwith repair and/or reconstruct the boundary wall of the petitioner and in the alternative pay the cost of construction. The respondent authority be further directed to pay a reasonable amount by



way of compensation for the mental pain and agony suffered by the petitioner on account of illegal act and high-handedness of the respondent authority.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 14.10.2023 passed by the Circle Officer, Mushahari, District-Muzaffarpur in connection with Encroachment Case No. 20 of 2023-24, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the ‘Act, 1956’). Liberty, so sought, is granted.

3. At this juncture, the learned counsel for the petitioner seeks permission to utilize the photo copy of the order dated 14.10.2023, annexed with the counter affidavit filed in the present case for the purposes of filing appeal. Permission, so sought, is granted.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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