

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1990 of 2024

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Bharat Mahto son of Late Jagdish Mahto, resident of village- Matihani, P.S.-
Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sherghati, P.S.- Sherghati, District- Gaya.
4. The Circle Officer, Mohanpur, P.S.- Mohanpur, District- Gaya.
5. Sri Govind Prasad, Son of Late Durgi Sao Resident of village- Itwan, P.S.-
Mohanpur, District- Gaya.
6. Lala Prasad, Son of Late Doman Prasad Resident of village- Itwan, P.S.-
Mohanpur, District- Gaya.
7. Mukesh Kumar, Son of Sri Lala Prasad Resident of village- Itwan, P.S.-
Mohanpur, District- Gaya.
8. Sanjay Agrawal, Son of Baij Nath Sao Resident of village- Itwan, P.S.-
Mohanpur, District- Gaya.
9. Arif Khan, Son of Abdul Wari Khan Resident of village- Itwan, P.S.-
Mohanpur, District- Gaya.
10. Afjal Hasmi, Son of Ali Ajhar Hasmi Resident of village- Itwan, P.S.-
Mohanpur, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kr Sinha No.2, Adv.
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-09-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(A). To issue a writ in the nature of certiorari
to quash the order dated 12.06.2019, passed by
District Magistrate, Gaya, in Encroachment
Case No 07/2018-19, whereby and whereunder



the learned District Magistrate, Gaya has set aside the order dated 25.01.2019, passed by the Circle Officer, Mohanpur, Gaya, in Encroachment Case No 14/2018-19.

(B). To issue a writ in the nature of Certiorari to quash the consequential order dated 05.08.2019, passed by the Circle Officer, Mohanpur, Gaya in Encroachment Case, whereby the Circle Officer, Mohanpur has illegally and arbitrarily held that the land bearing Khata No 133, Plot No 379 and 387, situated at village Itwan, PS- Mohanpur, District Gaya, is not a public land, which is against the record and has closed the proceeding.

(C). To issue a writ in the nature of Mandamus Commanding the respondents, particularly respondent no 2 & 4 to remove the encroachment made over the Public land bearing Khata No 133, Plot No 379 and 387 situated at village Itwan, PS- Mohanpur, District Gaya, which is Rasta i.e a public land.”

2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.



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

(Mohit Kumar Shah, J)

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