

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.105 of 2024

1. Md. Mojbullah @ Md. Mojibullah Son of Late Idris Resident of Village-Baruraj, P.S.-Baruraj, District-Muzaffarpur.
2. Md. Abdullah Son of Late Idris Resident of Village-Baruraj, P.S.-Baruraj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Principal Secretary, Department of Road Construction Government of Bihar, Patna.
3. The Secretary, Department of Road Construction Government of Bihar, Patna.
4. The Secretary, Department of Water Resources, Government of Bihar, Patna.
5. The Principal Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
6. The Collector Cum District Magistrate Muzaffarpur District-Muzaffarpur.
7. The Additional Collector Cum Additional District Magistrate Muzaffarpur District-Muzaffarpur.
8. The Deputy Collector Land Reforms (DCLR) Muzaffarpur District-Muzaffarpur.
9. The Circle Officer Muzaffarpur District-Muzaffarpur.
10. The Executive Officer, Road Division No.1, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Anis Akhtar, Advocate
		Mr. Wasi Akhtar,, Advocate
For the Respondent/s	:	Mr. Vikash Jha, AC to GA-9

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-07-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. For issuance of an appropriate
writ order or direction for setting
aside the order dated 03-10-2023*



(Annexure-P/7) passed by the Collector cum District Magistrate Muzaffarpur, District-Muzaffarpur in Encroachment Case No- 1/2023 whereby pursuant to directions contained in order dated 20-03-2023 passed in CWJC No- 17989/2022 representation was filed and thereafter same has been disposed off directing the petitioners and others to produce the affidavit relating to Khesra No- 9680 area 2 decimal from vendor or his heirs for not getting the compensation amount earlier with further directions to authorities to remove the encroachment, if any, from Khesra No-9680 area 2 decimal and hand over the vacant possession to respective department completely ignoring the fact that in Revisional Survey, the land in question i.e. Revisional Khata No. 892, Plot No. 9680 was/is recorded in the name of Sk. Md. Idris (father of petitioners).

B. For issuance of an appropriate writ order or direction directing the respondents not to dispossess the



petitioners from their raiyati land i.e. Revisional Survey No. 9680, Khata No. 892 which corresponds to 3 Katha equal to 13 decimal of old plot no. 4521 which measures 50 decimal out of which only 13 decimal was acquired for elegant of approach road to the Gandak bridge but in the garb of same authorities are trying to dispossess the petitioners from Khesra No- 9680 area 2 decimal which is admittedly raiyati land of petitioners with further direction to petitioners to produce the affidavit relating to Khesra No-9680 area 2 decimal from vendor or his heirs for not getting the compensation amount earlier.”

2. At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to avail such other alternative remedies as are otherwise available under the law, including that of filing a suit before the Ld. Civil Court having competent jurisdiction, for redressal of the aforesaid grievances. Liberty, so sought, is



granted.

3. The writ petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

