

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19739 of 2018

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Ganga Mandal Son of Rabbi Mandal, Resident of Village- Baheri, Tola-
Barba, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector cum District Magistrate,
Darbhanga.
2. The Collector cum District Magistrate, Darbhanga.
3. The Sub Divisional Officer, Darbhanga.
4. The Circle Officer, Baheri, P.S.- Baheri, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramashankar Singh, Advocate
For the Respondent/s : Mr. Raj Kishore Roy-GP-18

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 14-05-2025 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

2. The petitioner has filed a present writ application
for issuance of appropriate writ or direction upon the
respondents to remove encroachment on Khata No. 520(Old)
Khesra Nos. 5806, 5825, 5828, 5842, 5846, 5852, 5854, 5858,
5860, 5867, 5874, 5888, 5894, 5897, 6703, 6727, 6778, 6780,
6781, 6827, 6828, 6829, 6842, 6856, 6874, 6877, 6897 (Old)
situated in Mauza Borba Sirsiya (Baheri) appertaining to Thana
No. 81 including Borba Dihbar Asthan to Sirsiya Dihbar as than
main road.

3. In the supplementary counter affidavit filed by



respondent no.2 to 4 in paragraph-7, it has been stated as follows:

“7. That it is further respectfully submitted that in accordance to the arranged date i.e 28.04.2025, the removal of encroachment from the land in question has been completed in the immediate presence of petitioner and other villagers of which proceeding order has been prepared upon which the petitioner has also made his signature. It is pertinent to mention here that the Compact Disk/Photographs has also been prepared/taken of the removal of encroachment of proceeding and in the same, it is respectfully submitted that the land encroachment in question is free from except the said three encroachers against whom the proceeding is in progress evident from the Para No-9 of the oath taken vide oath no. 11284 dated 06.03.2025.”

4. In support of the above statement made in paragraph-7 of the supplementary counter affidavit, the respondents have also brought on record Annexure-R/3, which is copy of the proceeding order dated 28.04.2025, the disk/photograph.

5. From a perusal of the proceeding prepared by the respondents on 28.04.2025 it is clear that the petitioner was present when the encroachment was removed. His signature is existing at Serial No.19 of the proceeding order (Annexure-R/3).



6. In view of the categoric statement made by the respondents that all the encroachments have been removed from the land in question in the presence of the petitioner and other villagers, nothing survives in the present writ application. Hence, the present writ application is disposed of in light of the above statement made by the respondents that all the encroachments have been removed from the land in question.

(Alok Kumar Sinha, J)

Prakash Narayan

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