

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3147 of 2020

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Umesh Sharma, Son of Bhuneshwar Singh, R/o Village-Vijayapura, Bijpura,
P.S.-Dhanarua, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue, Bihar, Patna.
2. The Collector cum District Magistrate, Patna.
3. The Sub-Divisional Magistrate, Masaurhi, District-Patna.
4. The Deputy Collector Land Reform, Masaurhi, District-Patna.
5. The Circle Officer, Dhanarua, District Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate Mr. Ritesh Sinha, Advocate
For the Respondent/s	:	Mr. Md. Majid Mahboob Khan,)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 15-04-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present writ petition, the petitioner has sought relief/reliefs for issuance of appropriate writ for commanding upon the respondent authorities for (i) prohibiting the official respondents from disturbing the petitioner from the purchased rayati land and stop the whole proceeding launched by the respondents, (ii) Direct the respondents not to disturb the petitioner from cultivation, inhabitation and enjoyment of the petitioner purchased rayati land. (iii) Any other relief/reliefs as the petitioner would be entitled in the facts and circumstances of



the present case.

3. The learned counsel for the State has invited the attention of this Court to order dated 05.03.2020 by which this Court had directed the Sub Divisional Officer, Masauri to file counter affidavit stating as to whether the encroachment in question has been removed or not. Further a positive order was also passed stating that the Sub Divisional Officer, Masauri will be required to ensure that no encroachment over the public land exist which belongs to then Government school, Vijaypura.

4. The learned counsel appearing for the State has further drawn the attention of this Court to paragraph 10 and 11 of the counter affidavit filed by the District Magistrate, Patna in which it has been averred / stated as follows :-

“10. That the Circle Officer, Dhanarua has further stated that the encroachment from the part portion of the land in question has been removed on 21.05.2020 in the presence of the authorities and police force. Further, in view of resurfacing of encroachment on the said land in light of order passed in C.W.J.C. No.2147 of 2020, the said encroachment has been completely removed on 22.06.2020. In this regard, the Circle Officer, Dhanarua vide memo No.-1011, dated 22.06.2020 has requested the Officer In-charge,



Dhanarua P.S. to keep regular supervision and ensure that the encroachment does not resurface. The Circle Officer, Dhanarua has done spot inspection on 26.12.2024 and it has been found that there is no encroachment on the said land and fencing is not there.

11. That the Collector, Patna after considering all the facts on record has passed order vide memo No.-8742, dated 28.12.2024, whereby it has been inferred that encroachments have been removed earlier from the land in question in Encroachment Case No.01/2017-18 and if the petitioner is not satisfied with the order passed by the Circle Officer, Dhanarua then he may file Encroachment Appeal before the Collector, Patna. Further, if the petitioner is aggrieved with the order passed in Mutation Appeal Case No. 35 of 2016-17 by the D.C.L.R., Masaurhi, then Mutation Revision may be filed before the Additional Collector, Patna. Apart from this, the petitioner may keep his stand in Title Suit No.280/2013, which is under consideration before the learned Sub Judge-IV, Civil Court, Patna. However, any action taken in this regard shall be subject to the order/ direction passed the Hon'ble Court in the aforesaid matter."



5. In view of the fact that the encroachment from the land in question has been completely removed during the pendency of the present writ application, no cause of action survives of the petitioner to pursue in the present writ application and hence the present writ application stands dismissed as having become infructuous.

6. The dismissal of the present writ application shall not adversely effect / prejudice the ongoing Title Suit No.280 of 2013 between the contesting parties.

7. With the aforesaid observation, the present writ application stands dismissed. All interlocutory applications, if any, pending will automatically stand disposed of.

(Alok Kumar Sinha, J)

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