

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7004 of 2016

Awadhesh Kumar Sinha son of Late Aklu Singh resident of Village - Durga
Shankar Road, P.S. - Kotwali, District – Gaya. Petitioner/s
Versus

1. The State Of Bihar
 2. The District Magistrate, Gaya.
 3. The Block Development Officer, Gaya.
 4. The Circle Officer, Town Circle, Chandauti, Gaya.
 5. Laxmi Devi wife of Arun Kumar
 6. Prashant Kumar @ Babloo Kumar son of Sita Ram Prasad
 7. Anand Gupta Son of Dwarika Prasad
 8. Shatrughan Prasad Gupta son of Late Dwarika Gupta.
 9. Anita Devi wife of Pramod Bhadani
 10. Seema Devi wife of Ramesh Kumar
 11. Vijay Chandrawanshi son of not known
 12. Maya Devi wife of Raju Kumar All residents of Durga Shankar Road, P.S. -
Kotwali, District - Gaya.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.
For the Respondent/s : Mr. Kinkar Kumar, SC-9
Ms. Sushmita Sharma, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 03-07-2025 Heard learned counsel for the petitioner, Mr. Kinkar
Kumar, learned SC-9 appearing for Respondents-State duly
assisted by Ms. Sushmita Sharma, learned AC to SC-9.

2. The prayer made in the present writ application is
for issuance of appropriate writ commanding the Respondents to
initiate encroachment proceeding under Bihar Public Land
Encroachment Act and to forthwith vacate the encroachment
from Durga Shankar Road which is the link road between
Sirhiya Ghat and Mahadev Ghat.

3. Learned counsel appearing for the Respondent-



State submits that paragraph-12 of the counter affidavit itself reveals that encroachment proceeding was already started bearing Land Encroachment Case No. 17/2016-17 and from the perusal of Annexure-C to the counter affidavit, it shall transpire that final order in the said Encroachment Proceeding has also been passed. He, therefore, further submits that the prayer made in the writ petition has become infructuous and accordingly, the writ petition should be dismissed.

4. Learned counsel appearing for the petitioner is not in a position to controvert the statement made by the learned counsel appearing for the Respondent-State in paragraph-12 of the counter affidavit as well as Annexure-C, to the said counter affidavit which on the face of it reveals that the encroachment proceeding *vide* Land Encroachment Case No. 17/2016-17 had been initiated and it appears that the same has attained finality.

5. For the aforesaid reasons, the present writ application has become infructuous and accordingly, the same is dismissed.

(Alok Kumar Sinha, J)

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