

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6498 of 2016

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Vinay Kumar Sah Son of Late Dullu Sah, Resident of Village - Barail, P.S. - Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Administrative Land Reforms Department Govt. of Bihar, Patna.
3. The Commissioner, Darbhanga Range, Darbhanga.
4. The District Magistrate, Madhubani.
5. The Sub - Divisional Officer, Sadar, Madhubani.
6. The Circle Officer, Babubarhi, District - Madhubani.
7. Khushi Lal Sah, Son of Late Chikar Sah, Resident of Village - Barail, P.S. - Babubarhi, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
For the Respondent/s : Dr. Anshuman, SC-14

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 19-06-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner in the present writ application has
prayed for the grant of following reliefs:-

1. That this writ application is being filed for issuance of writ/writs, direction/directions appropriate in nature for Quashing the order in Memo No.1852 dated 30.12.2015 passed by the Circle Officer Babubarhi, District Madhubani.



(II) For commanding the respondents to remove the illegal encroachment encroached by the respondent no. 7 in Mauza Barail, P.S. Babubarhi, District Madhubani in Khata No. 183, Kheshra No. 1100, and 1113 Area 5 dhur which is Gair Mazarua Aam Rasta.

(III) For a prayer to direct the respondent no. 7 to illegally encroach the field of the Gairmajarua Aam as well as way /Rasta of the villagers with petitioner without adopting procedure of law.

(IV) During pendency of this writ petition may be Restrained the work/ use the land as encroached by the respondent no. 7 on the land of Aam Garmajarua cum way/Rasta of villagers including the petitioner.

(V) And for a prayer to be granted relief/reliefs which the petitioner is entitled for the facts and circumstances of the present case.

3. A counter-affidavit has been filed on behalf of respondent no. 6 and in paragraph-12 of the said counter-affidavit it has been stated as follows:-



“12) It is further humbly submitted that Shri Hari Narayan Yadav and others filed a petition before the C.O. stating therein that the encroachment from Khesra No. 1100 was removed by the administration on 12-01-16 but again Shri Khushi Lal Sah S/O Chikar Sah R/O of Barail has encroached and on the said petition an encroachment case No. 03/16-17 was initiated and report from K/C and Anchal Amin was called for, who after enquiry submitted report and reported that Shri Khushi Lal Sah by lying 'NADI' and Tyre cast temporarily notice was issued to the encroacher and after receiving the notice Khushi Lal Sah appeared before the court of C.O. and stating that he was removed the alleged encroachment from the Rasta in question and thereafter the C.O. called for report from the KJC on 10-02-16 and the K/C report on 17-02-16 stating therein that encroachment has been removed by the Rasta in question and thereafter proceeding of Encroachment Case No. 03/16-17 was dropped.”

4. Learned counsel appearing for Respondent-State submits that since the grievance of the petitioner has already been redressed, therefore, no cause of action survives in the present writ application and hence it should be dismissed.



5. The learned counsel appearing for the petitioner does not contest the averments made in paragraph-12 quoted hereinabove. He, therefore, prays to withdraw the present writ application in view of the fact that the grievance is already been redressed.

6. As prayed for, the writ application is dismissed as withdrawn.

7. All pending Interlocutory Applications, if any will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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