

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16758 of 2022

Subhan Ali Son of Late Sadik Miya, Resident of Village- Dewapur Akil Tola (Purvi Tola), Dewapur Mohar Singh, Police Station- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Collector, District- Gopalganj.
4. Learned Additional Collector-cum-Pulic Grievance Redressal Officer, Gopalganj.
5. The Sub Divisional Officer, Sub Division- Gopalganj, District- Gopalganj.
6. The Circle Officer, Majha, District- Gopalganj.
7. The Officer in Charge Majha Police Station, Gopalganj.
8. Abdul Aziz Son of Late Isha Miya, Resident of Village- Dewapur Akil Tola (Purvi Tola), Dewapur Mohar Singh, Police Station- Manjhagarh, District- Gopalganj
9. Md. Alam Son of Late Isha Miya, Resident of Village- Dewapur Akil Tola (Purvi Tola), Dewapur Mohar Singh, Police Station- Manjhagarh, District- Gopalganj
10. Harun Rashid Son of Majid Miya, Resident of Village- Dewapur Akil Tola (Purvi Tola), Dewapur Mohar Singh, Police Station- Manjhagarh, District- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (Aag 12)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-01-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief(s) :

“(i) For issuance of a writ in the nature of



Mandamus directing and commanding the respondent authorities to remove the encroachment from Khata No. 96, Plot No. 713, situated under Mauza Dewapur Akil Tola (Purvi Tola), Police Station - Manjhagarh, District Gopalganj, which is Gairmajarua land over which the public road and miscellaneous under the public person has been performing since long back, but now the said land has been occupied by the private respondent nos. 7 to 9.

(ii) For issuance of a writ in the nature of mandamus. direction and commanding the respondent no. 5 to not only make paper work, but actually remove the encroachment from the Khata No. 96, Plot No. 713, area 7 Kattha 11 Dhur over which on instance of the respondent no. 5 the private respondent nos. 7 to 9 are still encroached upon the said land, though after concluding Case No. 9 of 2019 20 the respondent no. 5 declared that the encroachment has already been removed by the respondent no. 8 to 10 and he has also replied in the Court of Public Grievance Redressal Officer



cum Sub Divisional Officer, Sub Division and District - Gopalganj that. the encroachment has already been removed on 27.01.2021 and relying upon that the proceeding of the Complaint Case No. 1 9999901100622312981 has been dropped on 22.08.2022 and the aggrieved petitioner filed Second Appeal against the order dated 22.08.2022.

(iii) For issuance of a writ in the nature of mandamus directing and commanding the respondent no. 1 to conduct an enquiry on his own level to know the reality of the encroachment that either the encroachment has been removed or not and thereafter pass an order for removal of the encroachment from the public land / road.

(iv) And for any other relief(s) for which petitioner is found to be entitled in view of the facts and circumstances of the case.”

3. A counter affidavit has been filed on behalf of the respondent State. In paragraph nos. 13 and 14 of the counter affidavit the stand of the State respondent is that the encroachment over the land in question has been removed and the final order has been passed under Order 6(1) of the Bihar



Public Land Encroachment Act, 1956 by the authority concerned and the proceeding has been dropped vide order dated 27.08.2021 (Annexure-C of the counter affidavit).

4. In view of the stand taken by the State respondent in the counter affidavit, the present writ petition is disposed off.

(Rajesh Kumar Verma, J)

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