

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8186 of 2023

Parshuram Rai, Son of Late Mahesh Rai, Resident of Hanuman Nagar, P.O.-
Dharharwa, P.S. Aurai, District Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub-Divisional Officer, Muzaffarpur.
4. The Circle Officer, Aurai, District Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
Mr. S.K. Thakur, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

This case has been notified on showing urgency.

Learned counsel for the petitioner has shown to this Court a copy of the notice contained in Memo No. 835 dated 27.05.2023 wherein the Anchal Adhikari, Aurai, Muzaffarpur has informed to the Sub-Divisional Officer that today is the date fixed for providing police force for purpose of removal of encroachment in connection with Encroachment Case No. 01 of 2014-15. Reference has also been made to a writ application filed by one Vinod Kumar Rai versus the State of Bihar and Others.

Learned counsel for the petitioner submits that the petitioner has appeared in the encroachment case and filed a show



cause reply on 31.03.2023 before the Circle Officer but no action has been taken thereon. It is further stated that one Vinod Kumar who is a ward member of Gram Panchayat Raj Dharharwa has filed a writ application being CWJC No. 2552 of 2023 seeking removal of encroachment whereafter the Circle Officer has issued notice for removal of encroachment which is still pending. The petitioner has been made party in CWJC No. 2552 of 2023.

This Court has been further informed that there is no direction of this Court in CWJC No. 2552 of 2023 and the petitioner has still not been heard by the Circle Officer.

Learned counsel for the State prays for and is granted four weeks' time to file counter affidavit.

List this matter together with CWJC No. 2552 of 2023 under appropriate heading after four weeks i.e. on 05.07.2023.

Till next hearing of the matter, the respondents shall not take any action towards demolition of the house of the petitioner which is said to be standing on the disputed land.

(Rajeev Ranjan Prasad, J)

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