

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2028 of 2014

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1. Jadolal Pandit son of Late Sukhdeo Pandit, resident of Village-Dumri, P.S.- Sugauli, District- East Champaran, Motihari
 2. Ramashis Pandit son of Late Sukhdeo Pandit, resident of Village-Dumri, P.S.- Sugauli, District- East Champaran, Motihari
 3. Ramawatar Pandit son of Late Sukhdeo Pandit, resident of Village-Dumri, P.S.- Sugauli, District- East Champaran, Motihari
 4. Motilal Sahani son of Late Khadaru Sahni, resident of Village- Dumri, P.S.- Sugauli, District- East Champaran, Motihari
 5. Ram Chandra Pandit son of Late Sukhdeo Pandit, resident of Village-Dumri, P.S.- Sugauli, District- East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Planning and Development Department, Government of Bihar, Patna
3. The Director, Panchayat Raj, Government of Bihar, Patna
4. The District Magistrate, East Champaran, Motihari
5. The District Panchayat Raj Officer, East Champaran, Motihari
6. The Superintendent of Police, East Champaran, Motihari
7. The Circle Officer, Sugauli Anchal, District- East Champaran, Motihari
8. Mukhiya, Gram Panchayat Raj, Mali, Anchal- Sugauli, District- East Champaran, Motihari

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Satish Chandra Jha-3, Advocate
For the Respondent/s : Mr. Devendra Kr Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 14-08-2015

The petitioners are one of the many who have been proceeded for causing alleged encroachment on a public land bearing Khata No. 3, Khesra No. 2116, admeasuring 30 decimals situated in village-Mali Bel Tola, Block-Sugauli in the District of East Champaran.

Earlier the Mukhiya of the Gram Panchayat Raj Mali



had approached this Court in CWJC No. 4113 of 2014 complaining of laxity on the part of the Circle Officer in concluding the encroachment case and in which even the petitioners were party and this Court considering the innocuous prayer made by the Mukhiya regarding a direction to the Circle Officer to conclude the proceedings in accordance with law, disposed of the writ petition with directions for conclusion of the proceedings with opportunity of hearing to the alleged encroachers, within a period of six months.

The petitioners, as I have observed above, are one of the many encroachers and instead of responding to the notice they have approached this Court stating that they are in occupation of the land since quite a while and that they are landless people.

Mr. Satish Chandra Jha, learned counsel for the petitioners has submitted that it is due to local politics that these petitioners are sought to be displaced on the grounds of construction of Panchayat Bhawan even when the Sub-Divisional Officer, Sadar, Motihari in his letter dated 21.1.2014 addressed to the District Magistrate, East Champaran has informed him that the land is not suitable for the purpose and that there is appropriate alternative land available for the said purpose. He thus submits that in the circumstances there would be no occasion for

disturbing the petitioners form the portion of land in question.

Having heard learned counsel for the parties and considering the nature of order that this Court has already passed in CWJC No. 1413 of 2014, the only order that can be passed in the present proceeding is to give liberty to the petitioners to draw the attention of the Circle Officer on the issues raised before this Court by responding to the notice issued in the encroachment proceedings and which shall be considered by the Circle Officer and be disposed of in accordance with law after an opportunity of hearing to the petitioners.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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