

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5757 of 2016

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Suvash Tiwary son of Sri Ram Belas Tiwary, Resident of Village- Belwar Patti, P.S.- Thakrahan, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, West Champaran at Bettiah.
3. The Sub-Divisional Officer, Bagaha, District- West Champaran.
4. The Deputy Collector, Land Reforms, Bagaha, District- West Champaran.
5. The Circle Officer, Thakaraha, Bagaha, District- West Champaran.
6. The Station House Officer, Thakarahan P.S., District- West Champaran.
7. Suresh Choudhary, son of Paltan Choudhary, Resident of Village- Nauka Tola, Belwari Patti, P.S.- Thakarahan, District- West Champaran.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 3547 of 2017

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Suresh Choudhary son of Paltan Choudhary, Resident of Village- Nauka Tola Belwari Patti, Police Station- Thakraha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, West Champaran at Bettiah.
3. The Sub-Divisional Magistrate, Bagaha, District- West Champaran.
4. The Deputy Collector, Land Reforms, Bagaha, District- West Champaran.
5. The Circle Officer, Thakraha, District- West Champaran.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 5757 of 2016)

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Respondent/s : Mr.Sc21- Kumar Manish

(In Civil Writ Jurisdiction Case No. 3547 of 2017)

For the Petitioner/s : Mr.Randhir Kumar No-1

For the Respondent/s : Mr.Raj Kishore Roy- Gp18

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 30-04-2019 Heard learned counsel for the petitioners and the



counsel appearing on behalf of the State.

2. In the first case the petitioner's grievance is inaction on the part of the respondents in the matter of removal of encroachment over the public land.

3. The second case has been filed by the alleged encroacher who approached this Court with grievance that petitioners have been rehabilitated and without hearing them the authorities are proceeded ahead for removal of encroachment.

4. Considering the fact that both the writ petitions are inter-connected and with consent of parties, both are being heard and disposed of by a common order.

5. One and same issue is involved in both the writ applications i.e. whether the land in question is public land and whether there is encroachment over the public land. Incidentally, the issue of rehabilitation of the petitioner in C.W.J.C. No. 3547 of 2017 is also involved.

6. Considering the fact that all the issues are inter-connected, the Court deem it fit and proper that the authorities under the Bihar Public Land Encroachment Act be directed to hear all the stakeholders including the petitioner of C.W.J.C. No. 3547 of 2017.

7. After hearing the Encroachment Case No. 2 of



2016-17 including C.W.J.C. No. 3547 of 2017, the Circle Officer shall pass appropriate order. While passing the order, the Circle Officer, Thakraha, West Champaran is required to consider the claim of the petitioner of C.W.J.C. No. 3547 of 2017 that they are flood victim and they have been rehabilitated on account of soil erosion, the Circle Officer is required to pass on the following:-

(i) Nature of land.

(ii) Existence of encroachment.

(iii) The right of petitioner of C.W.J.C. No. 3547 of 2017 as to rehabilitation and detention of the land and all incidental issues so that dispute between the parties may be finally settled.

8. The entire exercise may be completed by the Circle Officer, Thakraha, West Champaran within a period of six months from the date of receipt/production of a copy of this order.

9. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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