

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4843 of 2019**

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Jagadish Ram S/o Late Dularchand Ram @ Dularyan Ram R/o Vill-  
Chailahan Kudriya P.S- Banjariya, District- East Champaran, Motihari

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land, Government of Bihar
2. The District Magistrate Motihari East Champaran Bihar
3. The D.C.L.R Motihari, East Champaran Motihari Bihar
4. The Sub- Divisional Officer, Motihari, East Champaran Bihar
5. The Circle Officer, Banjariya Motihari, East Champaran Bihar
6. Md. Kalal S/o Late Mohamad Miyan resident of village- Chalaha Kuriya, P.S- Banjariya, District- East Champaran

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar  
For the Respondent/s : Mr.Subash Chandra Yadav ( GP15 )

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      12-03-2019                      Heard learned counsel for the petitioner and the State.

In the present writ application, the petitioner has prayed for issuance of writ, order or direction/mandamus to the District Magistrate, East Champaran, Motihari (respondent No. 2) and the Circle Officer, Banjariya, East Champaran, Motihari (respondent No. 5) directing them to issue notice to the petitioner before passing order of demolition of house of the petitioner in Encroachment Case No. 12/18-19 with respect to



Khata No. 546 Khesera No. 2284, area 0.8 decimal of the land, which was allotted to his grand father by the District Magistrate about 35 years ago by giving Parcha and he has been residing in the house made on the land in question, for 35 years. It has further been prayed for all other consequential benefits including issuance of order quashing the notice and to stay the notice (Annexure-2) issued by the Circle Officer. The petitioner has further prayed for a direction to the Respondent concerned to not disturb possession of the petitioner over the land, in question.

It has been submitted on behalf of the petitioner that Encroachment Case No. 12/18-19 had been initiated against the petitioner. A notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 was issued against the petitioner. In pursuance to that, the petitioner has filed the relevant papers under Section 4 of the Act but neither final order has been passed nor the petitioner has been given the opportunity of hearing under Section 5 of the Act.

The Circle Officer, Banjariya, Motihari, East Champaran (respondent No. 5) is directed to conclude the Encroachment Case No. 12/18-19 at the earliest and pass final order under Section 6 of the Act after giving liberty of hearing



to the petitioner and complying the provisions as laid down  
under the Bihar Public Land Encroachment Act, 1956.

With the aforesaid observation/direction, this writ  
application stands disposed of.

**(Sudhir Singh, J)**

A.K.V.//-

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