

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9363 of 2019

Anil Kumar Son of Mahadev Ram Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Motihari, East Champaran.
2. Sub-Divisional Officer, Sikarahana, Dhaka, District-East Champaran
3. Circle Officer, Ghorasahan, District-East Champaran
4. Superintendent of Police Motihari, East Champaran.
5. Deep Mala Devi Wife of Suman Prasad Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
6. Md. Jahur Alam Son of Md. Manir Alam Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
7. Mainul Rewan Son of Late Yunus Rewan Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
8. Manoj Prasad Son of Hari Shankar Prasad Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
9. Samshuddin Miya S/o Ishak Miyan Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
10. Dr. Mukesh Kumar Son of Hazari Lal Prasad Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
11. Ashok Jaiswal Son of Yadav Lal Jaiswal, Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
12. Meghu Shah Son of Late Sukhari Shah Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
13. Nandu Prasad Son of Late Raghunath Prasad Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
14. Md. Sabir Son of Md. Washim Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
15. Nagina Das, Son of Ram Chandra Shah, Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
16. Kiran Kunwar Son of Late Raj Kishore Das, Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
17. Surendra Das Son of Late Jai Mangal Das, Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
18. Sir Mangal Das Son of Late Vigu Das Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
19. Rajeshwar Das Son of Late Vigu Das, Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
20. Shahid Rewan Son of Late Samtullah Rewan Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.



21. Amrullah Rewan Son of Late Mobarak Rewan Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
22. Mahmud Rewan Son of Sadik Rewan Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
23. Upendra Prasad Son of Nandu Prasad Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.
24. Raj Kishore Paswan Son of Late Badri Paswan. Resident of Village-Ghorasahan, P.S.-Ghorasahan, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the instant case is that the authorities have written letter for the deployment of the police force so that the encroachment can be removed from the public road/land but due to the reluctance of the respondents police force was not deployed and as such the encroachment is still continuing.

Considering the letter enclosed as Annexure-6 and order Annexure-7 the Court is of the view that the authorities under the Bihar Public Land Encroachment Act have obligation to remove encroachment after opportunity of hearing to the encroachers and if the authorities comes to the conclusion that encroachment exist over public land the Circle Officer shall take



action for removal of encroachment.

In the peculiar facts and circumstances, the Court directs the Circle Officer, Ghorasahan to take steps for removal of encroachment within a period of one months after the general election. The District Magistrate, East Champaran is also under obligation to see that the authorities under his control discharge their statutory obligation in the matter of removal of encroachment over public land.

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

(Anil Kumar Upadhyay, J)

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