

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18138 of 2019

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Yogi Yadav Son of Lal Bihari Yadav Resident of Village- Tadhawa Nandpur,
P.S.- Bairiya District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner Muzaffarpur.
3. The District Magistrate West Champaran, Bettiah.
4. The Land Reform Deputy Collector Bettiah Sadar, West Champaran.
5. The Sub Divisional Magistrate Sadar Bettiah, West Champaran.
6. The Anchal Adhikari (Circle Officer) Bairiya Circle, West Champaran.
7. The Circle Amin Bairiya Circle District- West Champaran.
8. The Officer- in- Charge Bairiya Police Station, District- West Champaran.
9. Pana Lal Yadav Son of Late Bacha Yadav Village- Tadhawa Nandpur, P.S.- Bairiya District- West Champaran.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10540 of 2018

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Pannalal Prasad Yadav, Son of Late Bachcha Yadav, Resident of Village-
Tadhawa Nandpur, Police Station- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, West Champaran at Bettiah.
3. The Sub Divisional Magistrate, Sadar, Bettiah, West Champaran.
4. The Circle Officer, Bairiya Circle, District- West Champaran.
5. The Circle Amin, Bairiya Circle, District- West Champaran.
6. The Officer-in-Charge, Bairiya, Police Station, District- West Champaran.
7. Yogi Yadav, Son of Lal Bihari Yadav,
8. Dinanath Yadav, Son of Yogi Yadav,
9. Ramnath Yadav, Son of Yogi Yadav,
10. Dharamnath Yadav, Son of Yogi Yadav,
11. Triloki Yadav, Son of Yogi Yadav,
12. Dudhnath Yadav, Son of Yogi Yadav,
13. Loknath Yadav, Son of Yogi Yadav,
14. Madan Yadav, Son of Late Umraw Yadav, All are resident of Village-
Tadhawa Nandpur, Police Station- Bairiya, District- West Champaran.

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 18138 of 2019)

For the Petitioner/s : Mr.Krishna Kumar Tiwary

For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

(In Civil Writ Jurisdiction Case No. 10540 of 2018)

For the Petitioner/s : Mr.Sanjay Kumar No.-7

For the Respondent/s : Mr.Md. Khurshid Alam- Aag12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-09-2019 The petitioner of the first case i.e. CWJC No. 18138 of 2019 has challenged the notice issued by the Circle Officer, Bairiya Circle, West Champaran, dated 19.08.2019 whereby, under the garb of the order passed in CWJC No.10540 of 2018, the petitioner of the first case has been directed to remove the encroachment in question.

This Court finds that as far as CWJC No. 10540 of 2018 i.e. the second case is concerned, no order has been passed in the said case, directing for removal of encroachment. However, the petitioner of the said case has come before this Court with a prayer to direct the respondent authorities to remove the encroachment made over the public land.

I have heard the learned counsel for the parties and perused the material on record and as far as Encroachment Case No. 27 of 2017-18 is concerned, none of the parties have brought any final order passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, on record of the present case, hence, it appears that the Circle Officer is yet to pass an



order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

Having regard to the facts and circumstances of the case, both the writ petitions stand disposed of with liberty to the petitioner of the first case to file objection within a period of four weeks from today before the Circle Officer,, Bairiya Circle, West Champaran in connection with Encroachment Case No. 27 of 2017-18, whereafter the Circle Officer, Bairiya Circle, west Champaran shall pass final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

It is needless to state that in case no objection is filed by the petitioner of the first case before the Circle Officer, Bairiya Circle, west Champaran within a period of four weeks from today, then an ex-parte order shall be passed by the Circle Officer.

Till passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, status quo existing as on today qua the property/ land of the petitioner of the first case, in question shall be maintained.

(Mohit Kumar Shah, J)

Tiwary/-

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