

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14125 of 2019

=====

Ravi Bhushan Sen S/o Shri Pranvanshi Sen Resident of Mohalla- Mathiya Zirat, Ward No., -15, Near N.H.28, P.O.- Motihari, P.S.- Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Revenue and Land Reforms, Patna.
2. The District Magistrate East Champaran, Motihari.
3. The Sub- Divisional Public Grievance Redressal Officer Motihari Sadar, East Champaran, Motihari.
4. The Circle Officer Block- Dhaka, East Champaran, Motihari.
5. Shri Gopal Das S/o Shri Mahendra Das Resident of Village- Basatpur Colony, P.O.- Motihari, P.S.- Muffasil, District- East Champaran.
6. Shri Manoj Sah S/o Shri Lal Mohan Sah Resident of Village- Basatpur Colony, P.O.- Motihari, P.S.- Muffasil, District- East Champaran.
7. Shri Kali Shankar Das S/o Shri Jagat Hari Das Resident of Village- Basatpur Colony, P.O.- Motihari, P.S.- Muffasil, District- East Champaran.
8. Shri Pramod Kumar, M.L.A of Motihari Assembly Constituency S/o Late Vishwanath Prasad Resident of Village- Teliapatti, P.O.- Motihari, P.S.- Motihari Town, District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shri Prakash Srivastava
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-07-2019 The writ petition has been filed seeking the following
reliefs:-

“1. To issue a writ in the nature or mandamus commanding the respondents no. 2 to 4 to remove the encroachment from the public land, which is in front of the Ind of the petitioner situated in Mauza- Basatpur, Thana No. 156, Khata No. 157, Plot No. 364, as despite of entire endeavor made



by the petitioner right from the office of the Respondents No.2 to 4, no action has been taken against the Respondents No. 5 to 7 for removal of encroachment from the public land. As in the survey entry, the encroached portion of the land has been mentioned as Gairmajarua Malik.

II. To issue a writ in the nature of mandamus commanding the Respondent No.4 to remove the encroachment from the public land, which is in front of the land of the petitioner situated in Mauza Basatpur, because despite of admitted facts that due to land encroachment by and at the hand of the Respondents No. 5 to 7, the outgress and ingress of the petitioner has adversely been affected, but the Respondent No.4 is playing within the globe of the Respondent No.8, as the Respondents No. 5 to 7 are closely associated with the Respondent No.8, so the Respondent No.4 is not in a position to remove the encroachment, as made in due deliberation by and at the hand of the Respondents No. 5 to 7.

III. To issue a writ in the nature of mandamus commanding the Respondent No.4 to remove the encroachment from the public land, which is in front of the land of the petitioner situated in Mauza Basatpur, because by the deliberate encroachment of the land shown in the Revenue Record as



Gairmajarua Malik, but due the nexus in between the Respondents No. 4 & 8, the encroachment from the public land is not being removed, rather encroachment is in expansion by the anti-social elements.

IV. Any other relief or reliefs in view of the facts that the public land which was mentioned in the Revenue Record as Gairmajarua Malik is/are not been removed by and at the hand of the Respondent No.4”.

Considering the nature of the prayer made in the present writ petition, I deem it fit and proper to grant liberty to the petitioner to approach the Circle Officer, East Champaran, Motihari by filing an appropriate representation within a period of four weeks from today, whereafter the Circle Officer, East Champaran, Motihri shall institute appropriate proceeding under the Bihar Public Land Encroachment Act, 1956 and after issuing notice to the encroachers, dispose of the same within a period of twelve weeks thereafter.

The writ petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

