

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18821 of 2019

1. Raju Singh @ Rajendra Singh S/o Late Nagendra Singh
2. Amrendra Singh S/o- Raju Singh @ Rajendra Singh
3. Sarda Prasad Gond S/o Late Gopal Gond
All are R/o Village- Goriyapatti, P.O. + P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, West Champaran.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector, West Champaran, Bettiah.
4. The Sub- Divisional Magistrate, Bagaha, West Champaran.
5. The Circle Officer, Bagaha-1, West Champaran.
6. The Executive Officer, Bagaha Nagar Parishad, District- West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Respondent/s : Mr.Md.Khurshid Alam (AAG 12)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-09-2019 Heard both sides.

The petitioners seek issuance of a writ in the nature of mandamus directing the State-respondents not to take any coercive action against the petitioners till the disposal of the suit pending in the Civil Court.

Learned counsel for the petitioners submits that disputed land is of Khesra No.277 area 21 decimals of Khata No.347 which is recorded in khatian as Gairmajarua Aam Rasta. The total area of Khesra No.277 is 1 acre 30 decimals.



One Dinesh Prasad Sah filed CWJC No.17155 of 2016 in which the petitioner Nos.1 and 2 were respondent Nos.7 and 8. This Court by order dated 09.12.2016 directed the Anchal Adhikari, Bagaha-I, West Champaran to examine the matter and if it is found that the aforesaid land is public land and encroachment is subsisting then the authority shall initiate a proceeding under Bihar Public Land Encroachment Act. It is submitted that in pursuance of the aforesaid order, the Circle Officer initiated Encroachment Case No.2 of 2017-18. The notices were issued to the petitioners and other persons. Petitioner No.1 appeared and filed objection but the Circle Officer by order dated 29.06.2017 ordered for removal of encroachment against the petitioners. The petitioners being aggrieved by the order of Circle Officer filed Appeal No.15 of 2017-18 before the Collector, West Champaran, Bettiah. The petitioners also filed Title Suit No.75 of 2019 which is pending before the Court of Sub Judge I, Bagaha, West Champaran. It is submitted that authorities are bent upon to remove the encroachment and, therefore, the respondents-State be directed not to take any coercive steps but I find no substance in the submission of the learned counsel for the petitioners as the appeal is still pending. The petitioners have also filed title suit which is pending before



the Sub Judge I, Bagaha, West Champaran. Petitioners have got remedy to file petition before the appellate authority who is in seisin of the appeal to stay the order passed against the petitioners directing them to remove the encroachment or to file petition in the suit for grant of injunction.

Having considered the facts and discussion made above, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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