

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24139 of 2019

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1. Om Prakash Sahni, Son of Lalman Sahni, Resident of Village - Godigawan, Ward No. -02, P.S.- Sugauli, District- East Champaran.
 2. Wakil Sahni, S/o Hari Shankar Sahni, Resident of Village - Bhawanipur, Ward No. - 06, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reform Department Government of Bihar at Patna.
3. The Collector of East Champaran at Motihari Sadar at Motihari.
4. The Deputy Collector of Land Reforms, Motihari Sadar at Motihari.
5. The Sub-Divisional Magistrate, Motihari, Sadar at Motihari.
6. The Circle Officer / Anchaladhikari at Sugauli, East Champaran.
7. The Officer-in-charge of Sugauli Police Station, District- East Champaran.
8. Sugan Yadav, Son of late Nathu Yadav, resident of Village- Garigawan, (Sugawan Tola) P.S.- Sugauli, District- East Champaran.
9. Asharfi Yadav, son of Sitam Yadav, resident of Village- Garigawan, (Sugawan Tola) P.S.- Sugauli, District- East Champaran.
10. Ram Ayodhya Sahni, Son of Atibal Sahni, resident of Village- Garigawan, (Sugawan Tola) P.S.- Sugauli, District- East Champaran.
11. Jagdish Sahni, son of Risal Sahni, resident of Village- Garigawan, (Sugawan Tola) P.S.- Sugauli, District- East Champaran.
12. Musmat Sawariya, wife of Late Rajendra Sahni, resident of Village- Garigawan, (Sugawan Tola) P.S.- Sugauli, District- East Champaran.
13. Devilal Sahani, S/o Chalitar Sahani, resident of Village- Garigawan, (Sugawan Tola) P.S.- Sugauli, District- East Champaran.
14. Sukhari Sahani, S/o Lakhichand Sahani, resident of Village- Garigawan, (Sugawan Tola) P.S.- Sugauli, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Adv. Mr. Rakesh Kumar No.1, Adv.
For the Respondent/s	:	Mr. Arun Kr. Bhagat, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-12-2019

Heard learned counsel for the parties.



2. The petitioners' grievance relates to alleged encroachments made by private respondents no. 8 to 14 over a public land bearing Khata No. 137/ 1165, Plot No. 396, Thana No. 31 under Panchayat Sugaon North, Tola Gorigawa (Mahabir Ganj Bazar) under Sugauli Anchal of East Champaran. The petitioners are seeking a direction for removal of encroachment from the said land which is a public land according to them and is being used for public purpose like holding of *Mela* and *Haat/Bazar*.

3. It appears that petitioner no. 2 had made an application before the Circle Officer, East Champaran on 11.06.2015 in this regard for removal of encroachments.

4. My attention has been drawn to Annexure-2 to the writ application, which is a report submitted by the Revenue Clerk, Sugauli addressed to the Circle Officer, Sugauli relating to encroachments made over the said land, which, according to him also, is a public land. It also appears that the Circle Officer has issued notices to some of the encroachers, as is evident from Annexure-3 of the writ application and an encroachment case has been registered as Encroachment Case No. 09 of 2015-16.

5. Learned counsel appearing on behalf of the petitioners has submitted that some of parties have appeared



before the Circle Officer and are relying on certain documents/
pattas said to have been issued by Bettiah Raj of settling the
lands in question in their favour, which do not appear to be
genuine. He contends that despite notice issued by the Circle
Officer to the Manager of Bettiah Raj, they are not appearing
before the Circle Officer in the encroachment proceeding.

6. Encroachment over a public land can be removed in
accordance with the procedure prescribed under Bihar Public
Land Encroachment Act, 1956. Once the Circle Officer reaches
a conclusion that the land in question is a public land within the
meaning of the Act, he has statutory obligation to proceed in the
matter for removal of encroachment in accordance with law.

7. This application is disposed of with the observation
that let Encroachment Case No. 09 of 2015-16 be expeditiously
concluded preferably within a period of six months from the
date of receipt/ production of a copy of this order. The District
Magistrate, East Champaran is also directed to ensure and
monitor conclusion of the said encroachment case, within the
period indicated above.

(Chakradhari Sharan Singh, J)

Rajesh/-

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