

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21075 of 2018

Ataullah @ Ataullah Dhakwi Son of Rozid, Resident of Village-Chainpur
Dhaka, P.O.and P.S.-Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms
Government of Bihar, Patna.
3. The Secretary, Department of Revenue and Land Reforms Government of
Bihar, Patna.
4. The District Magistrate-Cum-Collector, Motihari District-East Champaran.
5. The Deputy Collector Land Reforms, Sikrahna, Dhaka District-East
Champaran.
6. The Sub-Divisional Officer, Sikrahna, Dhaka District-East Champaran.
7. The Block Development Officer, Block Dhaka, District-East Champaran.
8. The Circle Officer, Dhaka Anchal, District-East Champaran.
9. The Superintendent of Police, Motihari District-East Champaran.
10. The Deputy Superintendent of Police, Sikrahna, Dhaka District-East
Champaran.
11. The Station House Officer, Dhaka Police Station District-East Champaran.
12. The Nagar Parishad, Dhaka District-East Champaran through its Executive
Officer,
13. The Chairman, Nagar Parishad Dhaka, District-East Champaran
14. The Executive Officer Nagar Parishad Dhaka, District-East Champaran.
15. Md. Imteyaz Son of Md. Tufail,
16. Haji Osaid
17. Md. Obaid Both Sons of Sk. Md. Khalid
18. Hashim Mohammad Son of Sk. Tabrak
19. Md. Salam
20. Md. Kalam Both Sons of Sk. Wasul
21. Md. Kasim Son of Sk. Tabarak,
22. Anisur Rahman Son of Abdul Wahab
23. Imteyaz Alam
24. Minhaj Alam Both Sons Of Sk. Noman
25. Javed Akhtar Son of Manan
26. Atiullah Son of Ibrahim
27. Falahuddin



28. Nasrul Haque Both Sons of Son of Zikrullah
29. Atiur Rahman Son of Sanaullah
30. Nurul Haque Son of Masiullah
31. Shoaib Son of Abdul Khaliq All Resident of Village-Chainpur Dhaka, P.O. and P.S.-Dhaka, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Adv.
For the Respondent/s : Mr.Ajay- Ga5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 27.10.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief/s:

“For issuance of an appropriate writ order or
direction commanding the respondents to remove the
encroachment made on public land bearing Khata
No.414 Khesra No.2537 sitated at Chainpur Dhaka,
P.O. & P.S. - Dhaka, District- East Champaran by
private respondents, regarding which order declaring
the private respondents as encroachers have already
been passed.

For issuance of an appropriate writ order or direction
commanding the respondents to remove the
encroachment made on public land bearing Khata
No.414 Khesra No.2537 sitated at Chainpur Dhaka,



P.O. & P.S.- Dhaka, District- East Champaran pursuant to order dated 12-06-2017 passed in Public Grievance Redressal, Second Appeal Case No-81/17 (Sri AtaullahDhakwi Vs. Circle Officer, Dhaka) passed by the District Magistrate-cum-Second Appellate Authority, Public Grievance Redressal Officer, East Champaran at Motihari, arising out of Encroachment Case No.26/2015-16.

For issuance of an appropriate writ order or direction directing the Sub-Divisional Officer as well as the Sub-Divisional Police Officer, Sikrahana, Dhaka and the Circle Officer, Dhaka District- East Champaran to proceed further in accordance with law pursuant to order dated 12-06-2017 passed in in connection in Encroachment Case No.26/2016-16.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available



in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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