

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 3526 of 2020

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Amrendra Kumar Singh @ Munna Singh (Gender-Male), aged about-48 years, S/o Late Rameshwar Singh, Ward No. 21, House No. 67, Near Rowing Club, Bhawanipur Zirat, P.O.-Motihari, P.S.-Chhatauni, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Land Revenue, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, East Champaran, Motihari
3. The Dy. Collector, Land Reforms, Sadar, Motihari, East Champaran
4. The Circle Officer, Motihari.

.. ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prakash Srivastava, Adv.
For the State	:	Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

5 15-07-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition had though been filed for quashing the notice dated 10.12.2019 issued by the Respondent No. 3 i.e. the Deputy



Collector, Land Reforms, Sadar, Motihari, East Champaran, in connection with Encroachment Case No. 32 of 2012-13 with respect to 0.03 decimal of land situated at village Bhawanipur Zirat, Thana No. 167, Khata No. 199 and Khesra No. 858/44, under Section 3 of the Bihar Public Land Encroachment Act, 1956, however, the respondent State has brought on record, in its counter affidavit filed in the present case, a copy of the final order dated 02.05.2013, passed by the Respondent No. 3 long back in the aforesaid Encroachment Case No. 32 of 2012-13, which has not yet been challenged by the petitioner.

The learned counsel for the petitioner submits that since the encroached portion has already been demolished, the petitioner has got no quarrel with the aforesaid order dated 02.05.2013. However, he submits that the petitioner be granted liberty to approach the District Magistrate, East Champaran, Motihari for redressal of his subsisting grievances inasmuch as the petitioner is under a perpetual fear that the Respondents No. 3 and 4 may further



demolish his house. It is submitted that the fact is that the land in possession of the petitioner was purchased by his grandfather and the petitioner has not encroached any portion of the Government land.

The learned counsel for the Respondent-State, Sri Raj Kishore Roy (GP-18), submits that in case, the petitioner is aggrieved by the aforesaid order dated 02.05.2013, he can prefer an appeal.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioner to file a representation before the learned District Magistrate, East Champaran at Motihari with regard to his subsisting grievances, which shall be disposed of by the learned District Magistrate, East Champaran at Motihari, by a reasoned and a speaking Order, in accordance with Law, expeditiously.

(Mohit Kumar Shah, J)

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