

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2198 of 2020

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Saheb Jan Miya Son of Late Mangli Miya @ Sajli Miya Resident of Village-
Ramgarh Mahuawa (Tola- Watganj), P.S.- Pipra Kothi, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar at Patna.
3. The Collector of East Champaran, 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/Anchal Adhikari at Chatiya, East Champaran.
7. The Officer-in-Charge of Pipra Kothi Police Station, District- East
Champaran.
8. Mir Jabir Son of Mir Yasin Resident of Village- Ramgarh Mahuawa (Tola
Watganj), P.S.- Pipra Kothi, District- East Champaran.
9. Abbas Son of Mir Adalat Resident of Village- Ramgarh Mahuawa (Tola
Watganj), P.S.- Pipra Kothi, District- East Champaran.
10. Illias Son of Mir Adalat Resident of Village- Ramgarh Mahuawa (Tola
Watganj), P.S.- Pipra Kothi, District- East Champaran.
11. Tausif Son of Md. Ataur Rahman Resident of Village- Ramgarh Mahuawa
(Tola Watganj), P.S.- Pipra Kothi, District- East Champaran.
12. Ruplal Chaudhary Son of Late Maharaj Chaudhary Resident of Village-
Ramgarh Mahuawa (Tola Watganj), P.S.- Pipra Kothi, District- East
Champaran.
13. Rajesh Chaudhary Son of Jailal Chaudhary Resident of Village- Ramgarh
Mahuawa (Tola Watganj), P.S.- Pipra Kothi, District- East Champaran.
14. Mossomat Kalawati Devi Wife of Hira Lal Chaudhary Resident of Village-
Ramgarh Mahuawa (Tola Watganj), P.S.- Pipra Kothi, District- East
Champaran.
15. Jayanti Devi Wife of Hari Kishore Sah Resident of Village- Ramgarh
Mahuawa (Tola Watganj), P.S.- Pipra Kothi, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



2 14-07-2022 Though the present writ petition has been filed for removing the encroachment from the land appertaining to khata no. 214, khesra no. 550, area 1 katha under Mauza Ramgarh Mahuawan (Tola-Watganj) under the Anchal of Chakiya, District-East Champaran, but during the interregnum period, as informed by the learned counsel for the Respondent-State, the encroachment proceedings have been completed, whereafter, notice in Form-I was issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 and a date was fixed for removal of the encroachment, however, only partial encroachment could be removed. It has also been submitted that the said encroachers had approached this Court by filing a writ petition bearing CWJC No. 14415 of 2019 whereby and whereunder this Court, by an order dated 30.7.2019, had granted four weeks' time for filing appropriate appeal and in case, such an appeal was filed within four weeks, it was directed that status quo shall be maintained. However, it is the stand of the Respondent-State that no appeal



has been filed by the encroachers till date, hence, the interim order of status quo, granted to the encroachers vide order dated 30.7.2019, is no longer in force. It is also submitted by the learned counsel for the Respondent-State that title suit is pending but there is no stay in favour of the encroachers, hence, the respondents are making all endeavours to remove the encroachment in question.

Having regard to the facts and circumstances of the case, the District Magistrate, East Champaran at Motihari is directed to remove the encroachment in question within a period of four weeks of receipt / production of a copy of this order, failing which he shall not draw his salary.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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