

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21996 of 2018

-
-
1. Prabhu Nath Singh son of late Chandra Deep Singh
 2. Upendra Kr. Singh Son of Prabhu Nath Singh Both Resident of Raj Compound Near Pani Tanki, Ward No. 20, Police Station- Nagar Bettiah, District- West Champaran.
 3. Lalita Devi Wife of Sri Mankeshwar Prasad Resident of Raj Compound, Bettiah, Near Shiv Mandir, Ward No. 20, District- West Champaran.
 4. Rakesh Patel son of Gauri Shankar Patel Resident of Raj Guru Chowk, Wardn No. 9, P.O. and P.S. Bettiah, District- West Champaran.
 5. Lallu Patel Son of Gauri Shankar Patel Resident of Purani Gudri Near Raj Guru Chowk, Ward No. 9, P.O. and P.S. Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Departmnet, Bihar, Patna
2. The Collector, Bettiah.
3. The Circle Officer, Bettiah.
4. Manager, Bettiah Raj, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms.Sangeeta Sharma, Advocate
For the State	:	Mr.Rishi Raj Sinha, Standing Counsel-19
For the Bettiah Raj	:	Mr. Shailendra Kr. Singh, Advocate
		Mr. Utkarsha Utpal, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-11-2022 The present writ petition has been filed seeking the following reliefs:-

“That this application is being filed for restraining the respondents from demolishing the shops of the petitioners without giving any opportunity of hearing with respect to Plot No. 5607 and 5610 under Khata No. 128 of Bettiah Raj situated within the compound of Bettiah and it at the said land is required for beautification they may be



accommodated within the compound of Bettiah Raj and for such other relief/reliefs the petitioners are entitled to.”

The learned counsel for the petitioners submits that considering the fact that the respondent-State, in their counter affidavit, have not whispered about any encroachment proceedings having been initiated against the petitioners, the present writ petition may be disposed off, however, with liberty to the petitioners to agitate their grievances, in accordance with law, in case any encroachment proceeding is sought to be initiated by the respondent-State under the provisions contained in the Bihar Public Land Encroachment Act, 1956.

Having regard to the facts and circumstances of the case and considering the fact that the respondents have not come out with any statement in their counter affidavit regarding initiation of encroachment proceedings against the petitioners, I deem it fit and proper to dispose off the present writ petition, however, with an observation that in case the respondent-State seeks to either demolish the shop of the petitioners or evict them, the same shall be done by taking recourse to the due process of law and upon issuance of



appropriate notice to them as also after granting them an opportunity of hearing.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

