

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8585 of 2022

1. Lal Babu Prasad, S/o Late Yodha Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
2. Ram Babu Prasad, S/o Late Pannalal Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
3. Chhote Lal Prasad, S/o Late Pannalal Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
4. Surendra Prasad, S/o Late Pannalal Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
5. Dinanath Prasad, S/o Late Rajendra Prasad, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
6. Santosh Prasad, S/o Late Rajendra Prasad, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
7. Chandan Kumar, S/o Late Rajendra Prasad, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
8. Rampravesh Prasad, S/o Late Gorakh Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
9. Gudiya Kumari, S/o Late Manohar Pd., Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.

... .. Petitioners

Versus

1. The State of Bihar.
2. The District Collector, East Champaran, Motihari.
3. The Additional Collector, East Champaran, Motihari.
4. The Deputy Collector Land Reforms, Raxaul, East Champaran, Motihari.
5. The Circle Officer, Chhauradano, District- East Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioner prays for limited relief at this stage.

Learned counsel for the petitioner submits that the



petitioner has been served with a notice to vacate the land in question. Such notice has been issued in an encroachment proceeding but the order passed in the said encroachment proceeding has not been made available to the petitioner(s). It is submitted that if the order is made available to the petitioner he may prefer an appeal before the competent authority and till then this Court may protect the petitioner(s) by granting interim relief.

Learned counsel for the State has opposed the writ application. It is submitted that the notice has been issued upon the petitioner(s) to vacate the land which is a public land under the Bihar Land Encroachment Act, 1956 (hereinafter referred to as the 'Encroachment Act, 1956'). If the petitioner has any thing to submit he may appear before the Circle Officer and submit his reply. It is also submitted that in case any order has been passed by the Circle Officer, Chhauradano, East Champaran, a copy thereof shall be provided to the petitioner if he applies for the same within a period of one week from today.

In the given facts and circumstances, this Court grants liberty to the petitioner(s) to make an application before the Circle Officer, Chhauradano, East Champaran within one week from today to supply them a copy of the order, if any, passed



under the Encroachment Act, 1956 against the petitioner(s). The Circle Officer, Chhauradano, East Champaran shall ensure that the copy of the order is made available to the petitioner(s) within one week from the date of submission of the application. The petitioner(s) if so advised may prefer an appeal against the said order within a period of 15 days from the date of receipt of the order. Till that period of 15 days status quo as on today shall be maintained. It will be open for the petitioner(s) to seek any interim relief before the appellate authority.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

