

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13857 of 2021

Shambhu Nath Singh Son of Late Bhikhari Singh Resident of Village - Ward No. 05, Phulwaria, P.O. - Phulwaria, Police Station - Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Collector - cum - District Magistrate, East Champaran, Motihari.
3. The Deputy Collector, land Reforms, East Champaran, Motihari.
4. The Sub Divisional Complaint Redressal Officer, Motihari Sadar, District- East Champaran, Motihari.
5. The Sub Divisional Officer, Motihari East Champaran, Motihari.
6. The Circle Officer, Sugauli, East Champaran, Motihari.
7. Ram Chandra Sah Son of Late Raghunath Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.
8. Yamuna Sah Son of Late Raghunath Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.
9. Manoj Sah Son of Ram Chandra Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.
10. Sanoj Sah Son of Ram Chandra Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.
11. Dinanath Sah Son of Shiva Mangal Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.
12. Tapasi Sah Son of Late Pion Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.
13. Sudama Sah Son of Late Raj Kumar Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.
14. Ram Chandra Sah Son of Late Vanshi Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.
15. Lal Muni Devi Wife of late Akhilesh Sah Resident of Village - Bhatwaliya, Police Station- Sugauli, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-11-2022 Though the present writ petition was filed



for removing the encroachment made over the land, appertaining to Thana No. 49, Khata No. 432, Khesara No. 3258, Area 4-0-0 Acre, however, the learned counsel for the Respondent-State has filed a counter affidavit wherein in paragraph no. 6, it has been stated that the Circle Officer, Sugauli, District-East Champaran at Motihari has already initiated an encroachment case bearing Encroachment Case No. 8/2020-21, nonetheless, it has also been submitted that as soon as the land is settled in favour of any person, it gets the status of a raiyati land and the same no longer remains a public land, hence, under such circumstances, remedy lies before the competent civil court having appropriate jurisdiction.

At this juncture, the learned counsel for the petitioner submits that the Circle Officer, Sugauli, District-East Champaran at Motihari be directed to expedite the proceedings of the aforesaid Encroachment Case No. 8/2020-21.

Accordingly, the present writ petition stands disposed of with a direction to the Circle



Officer, Sugauli, District-East Champaran at Motihari to conclude the proceedings of the aforesaid encroachment case, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of twelve weeks of receipt / production of a copy of this order.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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