

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16843 of 2021

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Braj Kishore Prasad Sharma son of Late Shivajee Prasad Sharma Resident of
Village- Baraharwa, P.S.- Kalyanpur, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector of the District- East Champaran at Motihari.
3. The Additional Collector-Cum- First Appellate Tribunal, East Champaran, Motihari.
4. The Sub- Divisional Magistrate-Cum- Lok Shikayat Niwaran Padadhikari, Sub- Division, Chakiya, East Champaran, Motihari.
5. The Circle Officer, Kalyanpur, Block- East Champaran, Motihari.
6. The Mukhiya of Barahara Mahanand Panchayat Raj, Block- Kalyanpur, District- East Champaran, Motihari.
7. Shankar Baitha son of Late Fulgen Baitha Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
8. Ramesh Baitha son of Late Fulgen Baitha Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
9. Ganesh Baitha son of Late Fulgen Baitha Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
10. Kaushal Baitha son of Late Fulgen Baitha Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
11. Yadu Baitha son of Late Sarag Baitha Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
12. Suresh Baitha son of Late Hargen Baitha Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
13. Ram Naresh Prasad son of Late Janak Sah Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
14. Khelsan Sah son of Dhandhavi Sah Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
15. Sanja Prasad son of Late Prasad Sah Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
16. Siya Ram Prasad son of Late Prasad Sah Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
17. Hari Tiwari son of Late Shivajee Tiwari Resident of Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shanker Dwivedi, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan (SC25)
		Mr, Arif Daula Siddiqui, AC to SC-25



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-12-2022 The present writ petition has been filed for commanding the State-Respondents to remove earth and bricks stacked over the plot of the petitioner bearing Plot Nos. 271 and 272, situated at Village-Barharwa Mahanand, P.S-Kalyanpur, East Champaran, for the purposes of using the same in construction of a road, as also for removal of encroachment made over public road, appertaining to Plot No. 2038.

The learned counsel for the respondent-State has submitted that in case, the earth and bricks have been stacked over the aforesaid Plot Nos. 271 and 272, the same shall be removed within a period of one week from today, if the same has not yet been removed.

As far as the other aspect of the matter is concerned, it is stated that an encroachment case bearing Encroachment Case No. 25 of 2019-20 was initiated and the final order Section 6(1) of the Bihar Public Land Encroachment Act 1956 was passed, however the same was challenged by the



encroachers and the proposed interveners/ private respondents herein, by filing Encroachment Appeal Case No. 15 of 2022-23, but it is informed by the Ld. Counsel for the Respondent-State that the said appeal has stood dismissed, by an order dated 29.11.2022, passed by the learned Court of Additional Collector-cum-Additional District Magistrate, East Champaran at Motihari.

In view of the aforesaid, nothing survives for consideration in the present writ petition, hence, the present writ petition stands dismissed, however, the aforesaid order dated 29.11.2022, passed in Encroachment Appeal Case No. 15 of 2022-23, shall remain in abeyance for a week so as to enable the private respondents and others to take recourse to such remedies as are available under the law qua the aforesaid order dated 29.11.2022.

(Mohit Kumar Shah, J)

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