

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9270 of 2014**

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1. Md. Aftab Alam Son of Late Khurshid Alam R/o Nagar Thana Road, Ganj No.2, P.S. Bettiah Town Distt. - West Champaran
2. Habibulah Ansari son of late Gulab Mohmad
3. Haider Ali son of Usman Ahmed
4. Ram Chandra Kundu son of Late Abhinash Chandra Kundu
5. Sami Ahmad son of Md. Salim Ahmed
6. Hari Narayan Gupta son of late Bhola Gupta
7. Satnarayan Prasad son of late Vidya Prasad
8. Md. Kaishar Alam son of late Usman Miya
9. Md. Hasim son of late Usman Miya
10. Ekbal Ahmed son of late Abbas Khan
11. Most Jalesh Wari Devi Husband of late Dhrup Pd.
12. Surendra Prasad Son of Late Bhagwan Pd.
13. Ganesh Prasad Sah Son of late Haxmi Prasad Sah
14. Md. Javed Son of late Jaheed Hussain
15. Syeed Jamaluddin Son of Late Syeed Nizamuddin
16. Md. Salim Son of Late Md. Noorul Hoda
17. Khali Kujama Son of Late Kamrujama
18. Rafikujama Son of Late Kamrujama
19. Manjur Son of Late Hakka Miya
20. Asharafi Prasad Son of Late Jagar Nath Prasad
21. Ratan Das Son of Late Sachin Das
22. Ayodya Prasad Son of Late Nand Lal Prasad
23. Ravi Shankar Son of Late Geeta Prasad
24. Jamil Akhatar Son of Late Ayub Khan
25. Nand Lal Prasad Son of Late Vidya Prasad
26. Smt. Shiv Rato Kuer W/O Late Ramlal Mahto Petitioner No.2 to 26 Resident Police Station - Bettiah Town, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Land Reform and Revenue Department, Government of Bihar, Patna.
2. The Member, Board of Revenue-cum-Court of Wards, Govt. of Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Bettiah, West Champaran



5. The Circle Officer, Bettiah Circle West Champaran
6. The Manager, Bettiah Estate, West Champaran, Bettiah
7. The Superintendent of Police, Bettiah West Champaran

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Subodh Kr. Jha, Advocate       |
|                      | : | Mr. Ashok Kumar Gupta, Advocate    |
| For the Respondent/s | : | Mr. Manoj Kumar, AC to GP 4        |
| For Bettiah Estate   | : | Mr. Shailendra Kr. Singh, Advocate |
|                      | : | Mr. Utkarsh Utpal, Advocate        |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      13-10-2022                      Though the present writ petition has been filed by the petitioners challenging the notice issued to them, purportedly under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), however, it is the submission of the learned counsel appearing for the petitioners Sri Jha that the petitioners are in occupation of small shops/ kiosks by virtue of a lease agreement executed in the year 1993, in between the Manager of the Bettiah Estate and the petitioners herein, which has also been approved by the Secretary, Board of Revenue, the competent authority under the Court of Wards Act, 1977 but still the petitioners are being sought to be dispossessed of their shops. Reliance in this connection is also placed upon the orders passed by the co-ordinate Benches of this Court in similar matters vide judgments dated 08.07.1999 and



01.04.2015, passed in C.W.J.C. no. 4496 of 1997 and C.W.J.C. no. 8479 of 1999, respectively.

*Per contra*, the learned counsel appearing for the respondents have submitted that it is the case of the respondent- State Authorities that the petitioners have illegally encroached upon an area which does not belong to them as also is beyond the area specified in the lease agreement, entered into between them and the Manager, Bettiah Estate.

In order to resolve the dispute in question, this Court deems it fit and appropriate to relegate the petitioners to the remedy of filing appropriate objections/ show cause reply to the aforesaid notices issued by the Circle Officer, Bettiah, West Champaran in the year 2014, in connection with Encroachment case no. 15 of 2006-07, whereupon the Circle Officer, Bettiah shall consider the same and pass the final order under Section 6(1) of the Act, 1956.

To the aforesaid proposal, the parties do not have any objection.

As prayed for by the learned counsel for the petitioners, the petitioners are granted liberty to produce their respective lease deeds, the permission granted to lease out the



shops/ kiosks in question under the Court of Wards Act, 1977, the final order dated 30.01.1997, passed in the earlier Encroachment case no. 3 of 1996-97, the order dated 08.07.1999, passed in C.W.J.C. no. 4496 of 1997, the order dated 01.04.2015, passed in C.W.J.C. no. 8479 of 1999 and such other documents as the petitioners may deem fit and proper, before the Circle Officer, Bettiah Circle within a period of four weeks from today.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioners to file their respective objections/ show cause reply, within a period of four weeks, positively, which shall be considered by the Circle Officer, Bettiah Circle and after considering all the documents to be submitted by the petitioners, as aforesaid, the final order under Section 6(1) of the Act, 1956 shall be passed, within a period of 12 weeks, thereafter. In the meantime, *status quo* existing as on today *qua* the shops/ kiosks in question, which have been leased out to the petitioners herein, shall be maintained till the passing of the final order under Section 6(1) of the Act, 1956.

It is needless to state that in case, no show cause/ objection is filed by the petitioners within a period of four



weeks from today, the aforesaid interim protection being  
granted to the petitioners shall stand vacated, automatically.

**(Mohit Kumar Shah, J)**

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