

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2040 of 2018

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Barkat Ansari Son of Late Reyaz Ansari @ Reyaj Miya, Resident of Village-
Bhangha Police Station- Bhangha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, West Champaran.
3. The Sub Divisional Officer, Narkatiaganj, West Champaran.
4. The Circle Officer, Mainatand, District- West Champaran.
5. The Superintendent of Police, Bettiah District- West Champaran.
6. The Officer in Charge, Bhangha Police Station District- West Champaran.
7. Dhiren Das,
8. Jitendra Das, Both sons of Late Haranchandra Das, Resident of Siswa Colony, P.S.- Bhangha, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sushmita Mishra
For the Respondent/s	:	Mr.Rishi Raj Sinha- Sc19
		Mr. Saurabh Kumar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-08-2022 The present writ petition has been filed seeking quashing of the notice dated 8.1.2018, issued by the Circle Officer, Mainatand, District- West Champaran.

Admittedly, the land in question appertaining to khata no. 3, khesra no. 39/636 situated at village Bhangha, District-West Champaran is not a public land, hence, the inter-se dispute between two private parties cannot be



adjudicated by the Circle Officer concerned and the Circle Office has got no power / jurisdiction under the law to dispossess a private person without resorting to the due process of law.

The learned counsel appearing for the petitioner has submitted that the dispute at best, in between the petitioner and the private respondents no. 7 and 8, is inter-se dispute with regard to the right, title and possession of the land in question, thus a regular suit is the appropriate remedy.

Per contra, the learned counsel for the private Respondents No. 7 and 8 has submitted that the land in question has been settled in favour of the Respondents No. 7 and 8, hence, the petitioner is an encroacher.

Having regard to the facts and circumstances of the case, this Court finds that the dispute in question pertains to property rights between private persons i.e. in-between the petitioner and the private respondents no. 7 and 8, which has to be adjudicated by a competent Civil



Court having appropriate jurisdiction, for which it is informed by the Ld. Counsel for the petitioner that a title suit has been filed by the petitioner. In such view of the matter, the notice dated 8.1.2018, issued by the Respondent No. 4 seeking removal of the alleged encroachment made by the petitioner over private land of the Respondents No. 7 & 8 is illegal, thus is quashed, however, liberty is granted to the petitioner as also the private respondents no. 7 and 8 to approach the competent Civil Court having appropriate jurisdiction for settlement of disputes relating to property rights amongst them.

The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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