

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17486 of 2017**

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Ramchandra Rai, son of late Ramashray Rai, resident of Village-Rajpur  
Kawal Marpa, Police Station-Phenhara, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, East Champaran, Motihari.
3. The Superintendent of Police, East Champaran, Motihari.
4. The Sub-Divisional Officer, Pakari Dayal, East Champaran, Motihari.
5. The Circle Officer, Phenhara, East Champaran.
6. The Officer-in-Charge, Phenhara Police Station, Phenhara.
7. Zila Parishad, East Champaran through the Chief Executive Officer, East  
Champaran, Motihari.
8. The Chief Executive Officer, Zila Parishad, East Champaran, Motihari.
9. The District Engineer, Zila Parishad, Champaran, Motihari.
10. Smt. Sudama Kunwar, W/O- Late Moti Rai.
11. Sri Ramesh Rai, Son of- Late Moti Rai.
12. Sri Rajeshwar Rai, Son of- Late Moti Rai.
13. Sri Umesh Rai, Son of- Late Moti Rai.
14. Sri Asholal Rai, Son of- Late Raman Rai.

All Respondent Nos. 10 to 14 are resident of Village-Rajpur Kawal Marpa,  
Police Station-Phenhara, District-East Champaran.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------------------------------|
| For the Petitioner/s | : | Mr. Anuj Kumar with<br>Mr. Arun Kumar Prasad, Advocates |
| For the State        | : | Mr. Atul Shankar, AC to SC 19                           |



For the Zila Parishad : Mr. Sanjay Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 15-05-2023**

Heard Mr. Anuj Kumar, learned counsel appearing on behalf of the petitioner; Mr. Atul Shankar, learned counsel representing the State and Mr. Sanjay Kumar, learned counsel appearing on behalf of the Zila Parishad, East Champaran, Motihari.

2. The petitioner, by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution, has prayed for removal of the encroachment made over Khata No. 119 and Khesara Nos. 709 and 564, which is the land exclusively falls within Zila Parishad, East Champaran, Motihari.

3. It is the specific case of the petitioner that the land in question had been duly encroached by the private respondent nos. 10 to 14. In compliance to the order of this Court dated 24.04.2023, a counter affidavit on behalf of respondent nos. 7, 8 and 9 has been filed, the copy of which has been served upon learned counsel for the petitioner.

4. Learned counsel representing the respondent nos. 7, 8 and 9, with reference to the statements made in the counter



affidavit, submits that pursuant to the order of this Court, the Deputy Development Officer-cum-Chief Executive Officer, East Champaran directed the Circle Officer, Phenhara to remove the encroachment from the land in question and in response thereto, the Circle Officer, Phenhara *vide* Letter No. 215 dated 09.05.2023 submitted a detailed report with photographs stating therein that the encroachment has been removed from the land in question.

5. The aforesaid submission has been partially refuted by the learned counsel for the petitioner and submission has been made that though partial encroachment has been removed but till date certain construction still lying on the land in question and thus, the order of the Hon'ble Court has neither been complied nor the encroachment has been completely removed.

6. Be that as it may, considering the specific affidavit filed on behalf of respondent nos. 7, 8 and 9 as also the letter of the Circle Officer, Phenhara showing that the encroachment has been removed from the land in question, the present writ petition stands disposed of. However, it is made clear that even if the partial encroachment would be found at the land in question or in future the same would be surfaced, the



respondent-Circle Officer, Phenhara and the S.H.O., Phenhara shall be personally accountable for the same and appropriate order would be passed against them.

7. In view of the aforesaid observations, the present writ application stands disposed of.

**(Harish Kumar, J)**

Anjani/-

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| AFR/NAFR          | N.A.       |
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