

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1521 of 2023

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Munna Mustak S/o Rahul Haque, Resident of Vill.- Shekhauna, P.S.-
Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Patna, Bihar.
2. The Collector cum District Magistrate, East Champaran, Bihar.
3. The Additional Collector, East Champaran, Bihar.
4. D.C.L.R., East Champaran, Bihar.
5. S.D.O., Sikrahana at Dhaka, East Champaran.
6. Circle Officer, Bankatwa, East Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar,Adv.
For the Respondent/s : Mr.Md. Khurshid Alam,AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-03-2023 The present writ petition has been filed
seeking the following reliefs:-

“1.(A) For issuance of appropriate Writ, Order/s, Direction/s in the nature of Mandamus commanding the respondents to get the encroachment removed which has been erected in the form of huts and other residential house on the Govt. gairmajarua aam land adjacent to Hahwa river, which is subsidiary of river Aruna, and in the river filling the same from its edge, in the Bankatwa Circle of East Champaran District at village Shekhauna



falls under Ghorasahan police station mentioned in Khesra No. 4540 resulting in flowing of rain water in whole village and flood like situation every time due to illegal encroachment.

(B) For issuance of appropriate declaration that the action of the respondents concerned in not removing encroachment in question is highly illegal, arbitrary, malicious and tantamounting to violation of the Fundamental Rights, Human Rights and Natural Right of the petitioner, his co villagers and the resident of nearby villages in the facts and circumstances of the case.

(C) For issuance of appropriate declaration that the land in question is the Govt. land/river and to direct the Respondents to clear the encroachment in any way."

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Bankatwa, District-East Champaran, for redressal of his aforesaid grievances. Liberty so sought is granted.



It is needless to state that in case the petitioner approaches the Circle Officer, Bankatwa, District-East Champaran, by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today, the same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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