

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3194 of 2020**

1. Ramashray Raut @ Ramashray Rawat S/o Late Bharosh Raut Resident of Village- Sapahi, P.O. and P.S.- Turkaulia, District- East Champaran.
2. Rambadai Raut S/o Late Nakchhed Raut Resident of Village- Sapahi, P.O. and P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector-cum- District Magistrate East Champaran at Motihari.
4. The Sub Divisional Officer-cum- Sub Divisional Magistrate Motihari Sadar, Motihari, District- East Champaran.
5. The Deputy Collector Land Reforms, Motihari Sadar, Motihari, District- East Champaran.
6. The Circle Officer Turkaulia Block, Turkaulia, District- East Champaran.
7. Ram Naresh Singh S/o Late Satya Narayan Singh Resident of Village- Sapahi, P.O. and P.S.- Turkaulia, District- East Champaran.
8. Yashoda Devi W/o Ram Naresh Singh Resident of Village- Sapahi, P.O. and P.S.- Turkaulia, District- East Champaran.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar,Adv.  
For the Respondent/s : Mr.Raj Kishore Roy,GP-18

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

3      12-04-2023                      The present writ petition has been filed seeking the following reliefs:-

*“1. A. For issuance of a writ in the nature of certiorari or any other appropriate writ, order/s, to quash the notice dated 20.01.2020, issued in the names of the petitioners by the respondent no. 6 directing them to remove their residential house from a piece of land appertaining to Khata No. 7,*



*Plot No. 1266, falling within Sapahi village of Turkauliya Block, District, East Champaran (Annexure-8/1 and 8/2).*

*B. For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, direction commanding the respondents for the following:-*

*I. To treat the Annexure-8/1 and 8/2 to the petition to be nullity and non-est in the eye of law.*

*II. To hold that issuance of the impugned notices are completely without jurisdiction.*

*III. To hold that the impugned notices have been issued without following the procedures prescribed under the Bihar Public Land Encroachment Act.”*

The learned counsel for the petitioners submits that the Sub-Divisional Officer, Sadar Motihari, District-East Champaran has passed an order dated 08.03.2017, in furtherance to the order dated 19.07.2012, passed by the Collector, East Champaran, in Revenue Appeal Case No. 60 of 2011-12, whereby and whereunder the case of the petitioners have been recommended for the purposes of creating *bandobasti* (settlement), hence, it is submitted that the petitioners be granted liberty to approach the Circle Officer,



Turkaulia, District, East Champaran, and file appropriate objection in the pending Encroachment Case No. 13 of 2022-23, bringing to his notice the aforesaid order dated 08.03.2017. Liberty so sought is granted.

It is needless to state that for a period of four weeks from today, status quo existing as on today, qua the land/house of the petitioners in question shall be maintained, in order to enable the petitioners to apprise the Circle Officer, Turkaulia, District, East Champaran, about the order dated 08.03.2017, passed by the Sub-Divisional Officer, Sadar Motihari, District, East Champaran.

The writ petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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