

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2888 of 2020

=====

Jagarnath Mishra @ Jagnath Mishra S/o Late Kashi Nath Mishra, 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 Departments, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Departments, 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.Subash Chandra Yadav,GP-15

=====

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 name of the petitioner by the respondent no. 6 directing him to remove his 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).

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 Annexure-8 to the petition to be nullity and non-est in the eye of law.

II. To hold that issuance of the impugned notice is completely without jurisdiction.

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

At the outset, the learned counsel for the respondent-State has referred to the counter affidavit, filed in the present case to submit that pursuant to the order dated 19.07.2012, passed in Revenue Appeal No. 60 of 2011-12, the Sub-Divisional Officer, Sadar Motihari, District- East Champaran has passed an order dated 08.03.2017,



whereby and whereunder, the petitioner has been held to be an encroacher.

In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 08.03.2017, passed by the Sub-Divisional Officer, Sadar Motihari, District- East Champaran, by availing such remedies as are available under the law. Liberty so sought is granted.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

S.Sb/sonal-

U			
---	--	--	--

