

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2664 of 2023

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Dinanath Sah Son of Nand Laxman Sah, Resident of Village Shiva Ghat
Malahi Tola, P.O. Bakulahar, P.S. Gopalpur, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, West Champaran.
3. The Sub-Divisional Officer, Bettiah Sadar, West Champaran.
4. The Circle Officer, Chanpatiya, West Champaran.
5. Prabhu Choudhary, Son of Nageshwar Choudhary, Resident of Village Shiva Ghat Malahi Tola, P.O. Bakulahar, P.S. Gopalpur, District - West Champaran.
6. Sanju Choudhary, Son of Prabhu Choudhary, Resident of Village Shiva Ghat Malahi Tola, P.O. Bakulahar, P.S. Gopalpur, District - West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the State : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 13-07-2023

1. The present writ petition has been filed seeking the following relief:-

*“That this writ petition is being filed for
issuance of a direction/ order or an appropriate
writ for directing the respondent authorities
respondent no.4 to remove the encroachment
from the public road at Mauja Bakulahar,
Thana No. 69, Plot No. 3728/1 and 3728/2 after
disposing the encroachment case No. 16 of
2021-22 in which the respondent nos. 5 and 6
have already encroached the public road and
due to this the exit of the house of petitioner has*



already been closed.”

2. The learned counsel for the respondent-State has referred to paragraph no.11 of the counter affidavit to submit that the Circle Officer, Chanpatiya, West Champaran has already taken a final decision under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.16 of 2021-22 and has held the private respondents to be encroachers, however, since they are landless, the respondents are seeking to settle land in their favour elsewhere, thus, it is stated that as soon as settlement of alternate land is made in favour of the private respondents, the encroachment would be removed.

3. *Per contra*, the learned counsel for the petitioner, on instruction, has submitted that the private respondents have already been granted alternate land, upon which they have also constructed houses under the Indira Awas Yojana, hence there is no impediment in removing the encroachment in question.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, West Champaran to ensure removal of the encroachment in question, in accordance with the law, considering the aforesaid facts, within a period of four weeks of receipt/production of a



copy of this order.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2023
Transmission Date	NA

