

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3079 of 2023

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Nand Kishor Singh S/o Ramautar Singh Resident of Vilalge-Khalwa Gahiri,
Tola Gamhariya, P.S.-Nautan (Jagdishpur), Dist.-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-Cum-District Magistrate, West Champaran at Bettiah.
2. The Collector-Cum-District Magistrate, West Champaran at Bettiah.
3. The Additional Collector, Bettiah, West Champaran.
4. The Sub-Divisional Officer, Bettiah Sadar, Bettiah Dist.- West Champaran.
5. The Circle Officer, Nautan Block-Nautan, District- West Champaran.
6. Shivilal Yadav, S/o Rampal Yadav Resident of Village-Gamhariya, P.S.-Nautan (Jagdishpur), Dist-West Champaran.
7. Chandeshwar Yadav S/o Lalbau Yadav Resident of Village-Gamhariya, P.S.-Nautan (Jagdishpur), Dist-West Champaran.
8. Rajendra Das S/o Shambhu Das Resident of Village-Gamhariya, P.S.-Nautan (Jagdishpur), Dist-West Champaran.
9. Ajay Kumar Yadav S/o Rekha Yadav Resident of Village-Gamhariya, P.S.-Nautan (Jagdishpur), Dist-West Champaran.
10. Amerika Yadav S/o Paspal Yadav Resident of Village-Gamhariya, P.S.-Nautan (Jagdishpur), Dist-West Champaran.
11. Dwarika Singh S/o Late Jayram Singh Resident of Village-Gamhariya, P.S.-Nautan (Jagdishpur), Dist-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2023 The present writ petition has been filed seeking the following reliefs:-

“1(I). To remove all encroachment done by the private respondents over a piece of Gairmajarua Aam Land (Public road) appertaining to khata no. 307, plot no. 534



falling within Gahiri Mauza of Nautan Block of West Champaran District.

(II). To direct the respondents specially the respondent no. 5 to implement his final order dated 02.04.2019 passed in encroachment case no. 09/2018-19 whereby and whereunder the private respondents have been declared as encroachers of the public land in question and directions have been given to remove the encroachments done by the private respondents from the subject land.”

At the outset, the learned counsel for the petitioner has referred to the final order dated 7.2.2019/2.4.2019, passed by the Circle Officer, Nautan, District-West Champaran at Bettiah, in connection with Encroachment Case No. 9 of 2018-19 to show that though the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed, whereafter a notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 has also been issued on 10.6.2019, but till date the encroachment in question has not been removed.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, West Champaran at Bettiah to ensure compliance of the aforesaid final order, passed by the Circle Officer, Nautan, District-West



Champaran at Bettiah. in the aforesaid Encroachment Case No. 9 of 2018-19, by taking appropriate action, in accordance with law, within a period of four weeks of receipt / production of a copy of this order.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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