

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3380 of 2023

Radha Mohan Prasad Yadav son of Late Amir Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Motihari, East Champaran.
3. The S.D.O. Sikarahana at Dhaka, East Champaran.
4. The Land Reforms Officer, Sikarahana at Dhaka, East Champaran, Motihari.
5. The Circle Officer, Bankatwa, East Champaran, Motihari.
6. Tapashi Rai son of Banti Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
7. Sipahi Rai son of Late Jokhan Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
8. Arbind Rai son of Late Baidhnath Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
9. Pradip Rai son of Late Amar Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
10. Sanbhi Rai son of Late Ramhit Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
11. Pundeo Rai son of Late Ramhit Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
12. Harisahaankar Rai son of Late Jagarnath Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
13. Umesh Rai son of Late Jado Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
14. Ramvinay Rai son of Late Kapil Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
15. Gujari Rai son of Late Sarbhideo Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
16. Chndeo Rai son of Baldeo Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
17. Bhulandr Rai son of Late Kamal Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
18. Rajeshwar Rai son of Late Babunand Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
19. Hardeo Rai, son of Vikram Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.
20. Pannalal Rai son of Late Sikandra Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.



21. Ramvilash Rai son of Late Harihar Rai, resident of Village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 03-10-2023 1. The present writ petition has been filed seeking the following reliefs:-

“1.I. That this is an application for issuance of writ/writs, order/orders, direction/directions Mandamus to respondent No. 2, The District Magistrate, East Champaran, Motihari and Respondent No. 5, The Circle Officer, Bankatwa, East Champaran to vacate the Malik Gairmajarua/Aam Gaairmajarua of the Government Pond (Pokhara) Khata No. 32, Khesra No. 1621, 1618, 1619, 1620, 1630 area 34 Katha which was used by villager in Chhath Puja and other festivals about 100 years and other Khata No. 33 Khesra No. 1933, 1950, 1983 said land was thick (Gadha) several village use of discharge the water of his house. Said pond is situated in village Gola Pakariya, Tola Phatehpur, P.S. Lakhaura, District East Champaran, Motihari, which was encroachment by private respondents and granted of all other consequential benefits.”

2. 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 grievance. Liberty so sought is granted.

3. 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.

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

(Mohit Kumar Shah, J)

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