

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3779 of 2023

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Ramesh Patel @ Ramesh Raut S/o Punyadev Raut @ Punyadev Patel
Resident of Village- Jaysinghpur, Block and P.S.- Turkauliya, Dist.- East
Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, East Champaran at Motihari.
2. The Collector-cum-District Magistrate, East Champaran at Motihari.
3. The Additional Collector, Motihari, East Champaran.
4. The Sub-Divisional Officer, Motihari Sadar, Motihari, Dist.- East Champaran.
5. The Circle Officer, Turkauliya Block, Turkauliya, District- East Champaran.
6. The Officer-in-Charge, Turkauliya Police Station, Turkauliya, Dist.- East Champaran.
7. Musmat Bachani Kuwar, W/o Late Janak Pandit Resident of Village- Jaysinghpur, Block and P.S.- Turkauliya, Dist.- East Champaran.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-03-2023 Though the present writ petition has been filed for restraining the respondents from demolishing the residential house of the petitioner situated over Khata No.487, Plot No. 5114, situated at Mauza-Jaysinghpur under Turkauliya Block of East Champaran District, but the learned counsel for the petitioner has submitted that a notice dated 11.02.2023, has been issued by the Circle Officer, Turkauliya Block, East Champaran, addressed to the Sub-Divisional Magistrate, Sadar, Motihari,



East Champaran, wherein it has been directed that a Magistrate and adequate police force be deputed for the purposes of removing encroachment from the public land meant for road, appertaining to Khata No.814, Khesra No.5113, situated at Mauza-Jaysinghpur, P.S. No.85, however, in the garb thereof, the residential house of the petitioner is also being sought to be demolished.

Having regard to the facts and circumstances of the case, it is observed that since the aforesaid notice dated 11.02.2023 pertains to Khesra/Plot No. 5113 and not 5114, the residential building of the petitioner, constructed over plot no.5114, cannot be demolished, save and except by taking recourse to the due process of law.

The present writ petition stands disposed off with the aforesaid observations, which is directed to be adhered to by the respondent-authorities.

(Mohit Kumar Shah, J)

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