

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8004 of 2021

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Awadhesh Sahani, son of Shiv Nanad Sahani resident of village- Madhopur,
Ward No. 5, Police Station- Majhaulia, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran.
2. The District Magistrate, West Champaran at Bettiah.
3. The Sub-Divisional Officer, Bettiah Sadar, West Champaran.
4. The Circle Officer, Majhaulia, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva, Adv.

For the Respondent/s : Mr.Lalit Kishore, AG

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-09-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.(a) For issuance of an appropriate writ/or
writs order/or orders, direction/or directions in
the nature of mandamus directing the
respondents specially respondent No. 4 to take
follow up action for removing the
encroachment over the land in question in the
light of an order passed in encroachment case
No. 27/2018-2019 passed by the respondent
No. 4 as well as order dated 12.10.2019 passed
in complaint No. 501310110121802218, by
Sub Divisional Public Complaint Redressal
Officer, West Champaran, at Bettiah (as*



contained in Annexure-1).

(b) For issuance of an appropriate writ/or writs in the nature of certiorari for quashing the subsequent proceeding of encroachment Case No. 13/2019-2020 which has been initiated by the respondent No. 4 over the same land in question in collusion with the encroachers only with a view to give complete go by from the order passed in earlier encroachment case No. 27/2018-19.

(c) For declaration that non taken action against the encroachers of the land in question on the basis of order passed in earlier encroachment case no.27/2018-19, the institution of subsequent proceeding over the same issue encroachment case No. 13/2019-20 is wholly illegal and suffers from malafide intention of the respondent No. 4 in collusion with the alleged encroachers over land in question.”

2. At the outset, learned counsel for the respondent-State has submitted by referring to the counter affidavit, filed in the present case that earlier, 18.10.2022 was the date fixed for removal of the encroachment in question, subsequent to the passing of the final order by the Circle Officer, Majhauria on 27.09.2022, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment



Case No.13 of 2019-20 and Encroachment Case No.27 of 2018-19. It is also submitted that the District Magistrate, West Champaran at Bettiah, shall personally ensure removal of the encroachment in question in accordance with law, within a period of four weeks from today. It is directed accordingly.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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