

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19272 of 2015

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1. Binda Sah S/o Shiv Mangal Sah
 2. Punyadeo Sah S/o Shiv Mangal Sah
 3. Kamlesh Sah S/o Shiv Mangal Sah All R/o Vill- Dhaka Ramchandra, P.S.- Dhaka, Distt- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, East Champaran at Motihari.
3. The Sub Divisional Officer cum Sub Divisional Magistrate Dhaka Sub Division, East Champaran.
4. The Circle Officer, Dhaka, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the State : Mr. Aditya Natha Jha, AC to SC-18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-03-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of writ is the nature of certiorari for quashing the notice issued under the signature of Circle Officer, Dhaka in suit no. 20/15-16 by which the circle officer directed the petitioners to show cause as to why the encroachment made in Khata No. 414, Khesra No. 2753, 2754, Area 050 Decimal type wooden shop and building may not be removed. (Annexure 6).

(ii). For issuance of writ in the nature of Mandamus of any other appropriate writ, order/s or directions to the respondents not to disturb the



possession of petitioners since the land in question is not the Govt. Land rather the same is Bettiah estate and the same has been allotted to the Father of petitioners through valid agreement by Manager Bettiah estate on 14.3.1990 and gave possession over the said land since the petitioners and their family members are living peacefully (Annexure 2).

iii) For issuance of writ in the nature of Mandamus or any other appropriate writ, order or direction to restrain the respondents to take any action over the land in question since the title suit no. 321/86 (Bettiah Estate v/s the State of Bihar and Others) have already been decided in favour of Bettiah estate on 09.07.98 and against the respondents state, the Judgment order is vander of the Father of the petitioners. So, the petitioners have absolute right over the said land.

(iv). For issuance of writ in the nature of Mandamus or any other appropriate writ, order or direction to restrain the respondents to invoke the provision contemplated under Section 3, 4, 5, 6 & 7 of the Bihar and Encroachment Act.

At the outset, the learned counsel for the petitioners submits that the petitioners are being harassed repeatedly by issuance of repeated notices by the Circle Officer, Dhaka, East Champaran, hence, they be granted liberty to approach the



District Magistrate, East Champaran at Motihari for redressal of
their grievances. Liberty, so sought, is granted.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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