

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6880 of 2023

Narendra Prasad @ Narendra Prasad Srivastava Son of Sri Kant Prasad
Resident of Bhawanipur, Ward No. 07, P.S. Jitna, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Collector-Cum-District Magistrate, East Champaran at Motihari.
3. The Additional Collector (Revenue), East Champaran at Motihari.
4. The Land Reforms Deputy Collector, Sikrahana, District East Champaran.
5. The S.D.O., Sikrahana, District East Champaran.
6. The Circle Officer, Bankatwa, District East Champaran.
7. The Block Development Officer, Bankatwa, District East Champaran.
8. The S.H.O., Jitna P.S. District East Champaran.
9. Mukhiya, Gram Panchayat Raj, Jitpur, Block-Bankatwa, District East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed seeking
direction to the respondent authorities to discharge their
obligation in removing the encroachment of the petitioner's land
pertaining to Khata No.209, Plot No.1046, 1049 area 3 katha 16
dhur and 7 dhur respectively situated in Block Bankatwa,
District East Champaran.

3. Learned counsel for the petitioner submits that the



land of petitioner is *Raiyati* land and on the instance of Mukhiya, Gram Panchayat, Jitpur, road is being constructed on the land of petitioner.

4. Learned counsel for the State submits that the present case is not matured at present as vide Annexure No.1, petitioner has filed an application before the Block Development Officer, Bankatwa, East Champaran and in the said application it has been stated that for the measurement of his land appropriate application has been filed and amount has also been deposited but measurement has not taken place.

5. In this background, the petitioner is directed to file a fresh application before the Circle Officer, Bankatwa, East Champaran for measurement of his *Raiyati* land upon payment of measurement cost in accordance with Rule 23 of the Bihar Tenancy Rule under Bihar Tenancy Act. The Circle Officer, Bankatwa, East Champaran upon receiving the application shall call all the concerned and complete the measurement work within 60 days from the date of appearance of all concerned. After completion of measurement if petitioner aggrieved by the said order, he shall be at liberty to prefer appeal under Rule 23(3) of Bihar Tenancy Rule under Bihar Tenancy Act and if it has been found that petitioners *raiya*ti land has been encroached



then in that case the proper process for payment of compensation shall be initiated at the level of District Authorities.

6. With this direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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