

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8773 of 2023

1. Raju Kumar Gupta Son of Late Sitaram Shah @ Sitaram Prasad, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
2. Ranjan Kumar Gupta Son of Late Sitaram Shah @ Sitaram Prasad, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
3. Ramadhar Prasad @ Ramadhar Prasad Shah Son of Late Gopal Shah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
4. Tetri Devi Wife of Late Kamal Shah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
5. Ranjit Kumar Gupta @ Ranjit Shah Son of Ramadhar Prasad Gupta @ Ramadhar Shah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
6. Mohan Shah Son of Late Achelal, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
7. Rajesh Kumar Sah Son of Jailal Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
8. Urmila Devi Wife of Late Mahendra Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
9. Manoj Kumar Son of Vishwanath Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
10. Upendra Kumar Son of Nandkishore Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
11. Sanjay Kumar Son of Late Ganga Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
12. Chandan Kumar Gupta @ Chandan Gupta Son of Madan Prasad Gupta @ Madan Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
13. Ajay Kumar Gupta Son of Madan Prasad Gupta @ Madan Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
14. Durgesh Prasad Gupta Son of Madan Prasad Gupta @ Madan Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
15. Hira Devi Wife of Madan Prasad Gupta @ Madan Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
16. Vijay Kumar Gupta Son of Madan Prasad Gupta @ Madan Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.
17. Parmod Kumar Son of Ramnath Sah, Resident of Village- Piprakothi, P.S.- Piprakothi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms,



Government of Bihar, Patna.

3. The District Magistrate-cum-Collector, East Champaran at Motihari.
4. The Sub-Divisional District Magistrate, Motihari Sadar at Motihari.
5. The Deputy Commissioner Land Reforms, Motihari Sadar at Motihari.
6. The Circle Officer, Piprakothi Anchal, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-07-2023

The present writ petition has been filed seeking the following reliefs:-

“1(i). To issue writ of mandamus for quashing the proceeding which was initiated in Encroachment Case No. 3 of 2022-23, which is initiated against the present petitioners by the Circle Officer, Piprakothi, East Champaran regarding the removal of encroachment from the Government Land in Mauja-Piprakothi, Thana No. 210, Khata No. 156, Khesra No. 5 without applying the proper procedure establish by the law and the record of jamabandi from the record of Anchal / Circle Office, Piprakothi, East Champaran, where on the action of encroachment case no. 3 of 2022-23, the house / shelter is going to be demolished.

(ii). For stay on execution of process of notice against the present petitioners which was issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 in Encroachment Case



No. 3 of 2022-23.

(iii). For stay on any coercive action against the present petitioners in above mentioned encroachment case while the present writ application is pending before this Court.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Circle Officer, Piprakothi Circle, East Champaran, by filing appropriate objections / show cause reply in the pending Encroachment Case No. 3 of 2022-23, within a period of six weeks from today, however, seeks a direction upon the Circle Officer, Piprakothi Circle, East Champaran i.e. the Respondent No. 6 to consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956), forthwith and till then, seeks some protection.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file appropriate objections / reply in the ongoing encroachment proceedings, initiated by the Respondent No. 6, vide Encroachment Case No. 3 of 2022-23, within a period of six weeks from today, which shall be considered by the Respondent No. 6, in accordance with law and the final order under Section



6(1) of the Act, 1956 shall be passed forthwith and till then, status quo, existing as on today qua the land / houses of the petitioners in question, shall be maintained.

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

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.8.2023
Transmission Date	NA

