

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10324 of 2023

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Kameshwar Kapoor Son of Prabhu Lal Kapoor, Resident of Mohalla - Ward
No. 04, Hanuman Gaddi, P.S.- Motihari Sadar, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Collector, Motihari, East Champaran.
3. The Executive Engineer, Tirhut Nahar Pramandal, Motihari, East Champaran.
4. The Land Acquisition Officer, Motihari, East Champaran.
5. The Land Reforms Deputy Collector, Motihari, East Champaran.
6. The Sub-Divisional Officer, Motihari, East Champaran.
7. The Circle Officer Banjaria, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-09-2023 1. The present petition has been filed seeking the
following reliefs :-

*“(i) For issuance of a writ in the nature of
Certiorari for quashing the Order dated
18-06-2022, passed in Encroachment case
No.14/2021-22, by the learned Circle passed
in Officer, Banjaria, East Champaran as
contained in annexure- 3 series to this writ
petition, whereby and where under the
petitioner has been declared encroacher
2022 Square link (Pucca house gowdown)
under section -06 the Bihar Public Land
Encroachment Act, 1956.*



ii) For issuance of a writ in the nature of Certiorari for quashing the Order dated 22-02-2023 passed in Encroachment Appeal No.37/2022-23 by the learned Collector, Motihari, East Champaran as contained in annexure-4 to this writ petition, whereby and where under the Encroachment Appeal No. 37/2022-23 filed on behalf of the petitioner has been rejected. The said Encroachment Appeal Case No. 37/2022-23 was filed against the order dated 18-06-2022 passed in Encroachment Case No. 14/2020-21.

iii) For issuance of a writ in the nature of Certiorari for quashing the Notice dated 20-03-2023 issued under the signature of Circle Officer, Banjaria, (Respondent no.5) contained in annexure- 5 to this writ petition whereby and where under the petitioner has been directed to remove the encroachment from the land situated under Mauza Tarkulawa, Revnew Thana- Banjaria, Khata No.-134, Plot No.207, Area- 2022 Square link till 15-04-2023 otherwise the encroachment will be removed and the cost for the same will be charge/realized from the petitioner.

iv) For issuance of a writ in the nature of Mandamus directing and commanding the respondents to not demolish/ remove the



(Pucca house gowdown) of the petitioner situated under Mauza Tarkulawa, Revnew Thana- Banjaria, Khata No.-134, Plot No.207, Area-2022 Square link as well as to not disposes the petitioner till the disposal of the Encroachment Case pending in the Hon'ble Patna High court.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other alternative remedies, as are otherwise available under the law for redressal of his grievances including that of filing of a suit before the learned civil court having competent jurisdiction. Liberty so sought, is granted.

3. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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