

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12810 of 2023

1. Arun Kumar Verma Son of Late Rajendra Prasad, resident of Village Muzara, P.S. Ram Nagar, District West Champaran.
2. Sameer Kumar @ Sameer Kunal @ Sonu Son of Arun Kumar Verma, resident of Village Muzara, P.S. Ram Nagar, District West Champaran.
3. Darun Kumar @ Darwin Kunal @ Monu. son of Arun Kumar Verma, resident of Village Muzara, P.S. Ram Nagar, District West Champaran.
4. Gaurav Verma, son of Om Prakash Verma, resident of Village Muzara, P.S. Ram Nagar, District West Champaran.
5. Saurabh Verma, son of Om Prakash Verma, resident of Village Muzara, P.S. Ram Nagar, District West Champaran.
6. Manoj Kumar Yadav, son of Banka Yadav, resident of Village Mizka Toli, P.S. Ram Nagar, District West Champaran.
7. Ambika Yadav, son of Narsingh Yadav, resident of Village Navganwa, P.S. Ram Nagar, District West Champaran.
8. Shukla Yadav, son of Narsingh Yadav, resident of Village Navganwa, P.S. Ram Nagar, District West Champaran.
9. Kashim Khan, son of Mamul Khan, resident of Mohalla-Julaba Toli, P.S. Ram Nagar, District West Champaran.
10. Nezam Ansari, son of Mustafan Ansari, resident of Village Bilaspur, P.S. Ram Nagar, District West Champaran.
11. Md. Lukman Ansari, son of Jahangir Ansari, resident of Village-Chhathiya Ghat, Chaurasia Nagar, P.S. Ram Nagar, District West Champaran.
12. Balram Yadav, son of Narsingh Yadav, resident of Village Navganwa, P.S. Ram Nagar, District West Champaran.
13. Vaibhav Om Prakash Verma @ V. Verma son of Om Prakash Verma, resident of Village Muzara, P.S. Ram Nagar, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Water Resources Development Department, Govt. of Bihar, Patna.
2. The Executive Engineer, Triveni Canal Sub-Division, Ram Nagar, District West Champaran.
3. The Sub-Divisional Officer, Triveni Canal Sub-Division, Ram Nagar, District West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
Mr. Milind Kumar Mishra, Advocate
Mr. Yogendra Tiwari, Advocate



For the Respondent/s : Mr.Vinay Kirti Singh (Ga2)
Mr. Vijay Kumar Verma, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2023 1. The present writ petition has been filed seeking the following relief:-

“1. That this is an application for issuance of an appropriate writ, order or direction for quashing the notice dated 15.02.2016 and 26.09.2016 issued by the Respondent No.3, the Sub-Divisional Officer, Triveni Canal Sub-Division, Ram Nagar to the petitioners to vacate the land within 15 days consisting pucca residence made over the land of Kaishar-e-hind of Triveni Canal situated in Mouza Ram Nagar appertaining to khata no. 86, plot no. 566 and further for quashing the notice issued under letter no.98 dated 14.10.2022 for vacating the land upon which the petitioners' houses are situated.”

2. At the outset, the learned counsel for the respondent-State has referred to a letter dated 03.12.2022, written by the Executive Engineer, Triveni Canal Division, Narkatiyaganj to the Circle Officer, Circle-Ramnagar, West Champaran, stating therein that the encroachment has been made by the local people on both sides of the canal and as far as the petitioners are concerned, their lease has been cancelled and



they are also encroachers, hence appropriate action be taken to get the encroached land vacated, thus, it is submitted that proper action is being taken to remove the encroachment in question.

3. *Per contra*, the learned counsel for the petitioners submits that in case the respondents seek to remove the encroachment in question, made by the petitioners herein, they be directed to take recourse to the due process of law, grant appropriate opportunity to the petitioners to file their objections and only then they may remove the encroachment in question, in case the respondents are not satisfied with the defence put forth by the petitioners. It is directed, accordingly.

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

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

