

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13861 of 2022

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Mohan Raut son of Late Sudama Raut, Resident of Banu Chapar, Ward No. 05, P.O. - Banu Chhapra, Police Station- Banu Chhapra, O.P. Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The District Public Grievance Redressal Officer, West Champaran, Bettiah.
5. The Sub- Divisional Officer, Narkatiaganj, West Champaran.
6. The Sub-Divisional Public Grievance Redressal Officer, Narkatiaganj, West Champaran.
7. The D.C.L.R. Narkatiaganj, West Champaran.
8. The Circle Officer, Mainatand, West Champaran.
9. Rameshwar Prasad S/o Shiv Prasad, Resident of Village - Banu Chapar, ward No. 05, P.O. - Banu Chhapra, Police Station- Banu Chhapra O.P. Bettiah, District- West Champaran.
10. Daroga Prasad S/o Shiv Prasad, Resident of Village - Banu Chapar, ward No. 05, P.O. - Banu Chhapra, Police Station- Banu Chhapra O.P. Bettiah, District- West Champaran.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date:04.07.2023

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

“1.(I) For a direction to the respondent authorities to get the encroachment removed from the public land/road, appertaining to



Thana No.129, Kheshra 1681, situated in Banuchhapar, Circle-Bettiah, District-West Champaran which is a public land (Chhawar) i.e Gairmajarua Aam Rasta, which has been encroached upon by private respondent nos. 9 to 10.

(II) For direction/ directions commanding the respondents to proceed in furtherance of issuance of Notice u/s 6 of Bihar Public Land Encroachment Act 1956 and conclude the Encroachment Case No. 5/2015-16.

(III) For a direction to the respondent authorities to take appropriate action against the officers who have deliberately created obstacle in removing the encroachment.”

2. The learned counsel for the respondent-State has referred to the counter affidavit filed on behalf of the District Magistrate, West Champaran at Bettiah, wherein it has been stated that an encroachment proceeding vide Encroachment Case No. 5 of 2015-16 was initiated by the Circle Officer, Bettiah Sadar, whereafter, the same was



concluded by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 and then the Sub-Divisional Officer, Bettiah Sadar had deputed police force and a Magistrate, vide Memo dated 02.08.2019, fixing a date for removal of the encroachment in question, however, in the meantime the encroachers preferred an appeal before the Collector, West Champaran, bearing Appeal Case No. R.A. 25 of 2019-20 as also filed a title suit bearing Title Suit No. 223 of 2019, which is pending adjudication before the learned Court of Sub-Judge, Bettiah. Nonetheless, it is submitted by the learned counsel for the State that in case the aforesaid appeal has not yet been disposed off, the same would definitely be disposed off within a period of two weeks from today, by the Collector, West Champaran at Bettiah, by passing a reasoned and a speaking order in accordance with law, whereafter the consequential action would definitely be taken in case no injunction has been granted in the aforesaid Title Suit by the learned



Civil Court.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Collector, West Champaran at Bettiah to dispose off the aforesaid Appeal Case No. R.A. 25 of 2019-20, by passing a reasoned and a speaking order, in accordance with law within a period of two weeks from today, whereafter he shall also take the consequential action forthwith, subject to verification of the fact as to whether the learned Civil Court has passed any interim order in favour of the petitioner, in the aforesaid Title Suit.
4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.07.2023
Transmission Date	N/A

