

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14186 of 2022

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Md. Isarafil Son of Shekh Nanahak, resident of Village - Panjiyarwa, P.S.-
Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar.
2. The District Magistrate, East Champaran, Motihari.
3. The Superintendent of Police, East Champaran, Motihari.
4. The Sub-Divisional Officer, Sugauli, District - East Champaran.
5. The Additional Collector, East Champaran, Motihari.
6. The Circle Officer, Sugauli, District - East Champaran.
7. The Officer-in-Charge, Sugauli, District - East Champaran.
8. Jitendra Kumar Mishra, Son of Late Upendra Mishra, resident of Village and
P.O. - Pajiyarwa, P.S. - Sugauli, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Advocate
For the State	:	Mr.Raj Kishore Roy (Gp 18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2023 The present writ petition has been filed
seeking the following reliefs:-

*"(i) For issuance of a writ in
the nature of 'Certiorari' for quashing
the order dated 31.07.2018 passed by
the Circle Officer, Sugauli in
Encroachment Case No.6/2016-17 as
also to quash the entire proceeding
initiated under the Bihar Public Land
Encroachment Act (Henceforth
referred to 1956 as Act 1956) as the
entire proceeding is without*



jurisdiction since the proceeding under the Act 1956 is not maintainable as per section-6 proviso wherein no action can be taken under the Act 1956 against landless person who is in possession before 10th October 1955.

(ii) To hold that the entire proceeding under the Act 1956 is illegal and any action taken pursuant to any order passed under the Act 1956 to be illegal and the petitioner and similarly situated persons are entitled to be rehabilitated and the respondents are duty bound to reconstruct the house of the petitioner as well as the other similarly situated persons whose house have been demolished under the garb of the encroachment proceeding and order dated 29.08.2022 passed in CWJC No. 9949 of 2018.

(iii) For further directing the District Magistrate to consider the representation/appeal filed by the petitioner and other persons.

(iv) To further restrain the respondents from demolishing the



others houses on Khata No.196, Khesra No.1413 to 1417 in Village- Panjiyarwa, Sugauli, East Champaran till disposal of the writ application."

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the respondent-authorities for redressal of his aforesaid grievance. Liberty, so sought, is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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