

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13285 of 2023

1. Bijay Kumar Ray @ Bijay Patel Son of Harindra Ray, Resident of Village- Rampurwa, Math Ke Bagal Me, Huseni, Police Station-Dumariya Ghat, District- East Champaran at Motihari.
2. Vishwanath Sah, Son of Asrafi Sah, Resident of Village- Rampur Khajuriya, Police Station- Dumariya Ghat, District- East Champaran at Motihari
3. Maya Devi, Wife of Pannalal Ray, Resident of Village- Rampurwa, Police Station- Dumariya Ghat, District- East Champaran at Motihari.
4. Jogi Sah, Son of Asarfi Sahi Resident of Village Rampur Khajuriya, Police Station- Dumariya Ghat, District- East Champaran at Motihari.
5. Bagad Miyan, Son of Khichad Miyan, Resident of Village- Rampur Khajuriya, Police Station- Damariya Ghat, District- East Champaran at Motihari.
6. Sashikant Yadav @ Shashi Kant Rai, Son of Dinanath Rai, Resident of Village- Rampur Khajuriya, Police Station Dumariya Ghat, District- East Champaran at Motihari.
7. Mishri Ray, Son of Chandrika Ray, Resident of Village Rampur Khajuriya, Police Station Dumariya Ghat, District- East Champaran at Motihari.
8. Surendra Ray, Son of Dahadi Ray, Resident of Village Rampur Khajuriya, Police Station Dumariya Ghat, District- East Champaran at Motihari.
9. Bukai Ray @ Lakhindra Ray, Son of Bagad Ray, Resident of Village- Rampur Khajuriya, Police Station- Dumariya Ghat, District East Champaran at Motihari.
10. Muslim Miya, Son of Nawaji Miya, Resident of Village- Rampur Khajuriya, Police Station- Damariya Ghat, District- East Champaran at Motihari.
11. Salim Miyan, Son of Navaji Miyan, Resident of Village- Rampur Khajuriya, Police Station- Dumariya Ghat, District- East Champaran at Motihari.
12. Ramprasad Raut, Son of Madha Raut, Resident of Village- Rampur Khajuriya, Police Station Dumariya Ghat, District- East Champaran at Motihari.
13. Krimachi Devi, Wife of Vikhari Raut, Resident of Village- Rampur Khajuriya, Police Station- Dumariya Ghat, District- East Champaran at Motihari.
14. Niraj Raut @ Niraj Patel, Son of Bhikhari Raut, Resident of Village Rampur Khajuriya, Police Station- Dumariya Ghat, District East Champaran at Motihari.
15. Nagendra Patel @ Naga Patel, Son of Babulal Raut, Resident of Village- Rampur Khajuriya, Police Station- Dumariya Ghat, District- East Champaran at Motihari.
16. Tuntun Raut @ Lal Kumar @ lalji, Son of Vikhari Raut, Resident of Village- Rampur Khajuriya, Police Station- Dumariya Ghat, District East Champaran at Motihari.
17. Naresh Mishra, Son of Ramanand Mishra, Resident of Village- Rampur



Khajuriya, Police Station- Dumariya Ghat, District- East Champaran at Motihari.

18. Gyanti Devi, Wife of Nageshwar Ray, Resident of Village- Rampur Khajuriya, Police Station- Dumariya Ghat, District East Champaran at Motihari.
19. Sejma Khatun, Wife of Khalil Miyan, Resident of Village- Rampur Khajuriya, Police Station Dumariya Ghat, District- East Champaran at Motihari.
20. Ramswarup Raut @ Chikru Raut, Son of Chandrika Raut, Resident of Village- Rampur Khajuriya, Police Station- Dumariya Ghat, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The Sub-Divisional Magistrate, Chakiya, East Champaran, at Motihari.
4. The Circle Officer, Dumariya Ghat, East Champran at Motihari.
5. The Mahanth Ram Ratan Das, Shri Ram Janki Math Rampurwa, Police Station- Dumariya Ghat, District- East Champaran at Motihari.
6. The Bihar State Religious Trust Board Patna, Vidyapati Marg, Patna through President/Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-09-2023 1. The present writ petition has been filed seeking the following relief:-

"That this an application for issuance of a writ in the nature of certiorari for quashing the order dated 10.07.2023 passed by the Id. Collector-Cum-District Magistrate, East Champaran at Motihari in encroachment case no.



84/2022-23 whereby and whereunder the Sub-Divisional Magistrate, Chakiya was directed to inform the Superintendent of police and further to fix the date for handing over the possession to the respondent no. 5 and also directed to depute the police force and further the petitioners pray for issuance of writ in the nature of Mandamus commanding and directing the respondent authorities not to give effect of the impugned order as mentioned above and further a direction be given not to disturb the petitioners from their peaceful possession having been given on the basis of valid parcha and/ or for issuance of such other order or direction for which the petitioner may be found legally entitled to in the facts and circumstances hereinafter."

2. At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.



3. It is needless to state that for a period of four weeks from today, status quo existing as on today qua the land/house of the petitioners in question shall be maintained in order to enable the petitioners to file appropriate appeal along with a petition for grant of interim relief.

4. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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