

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13615 of 2023

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1. Md. Imtiyaz Alam @ Md. Imtiyaz son of Late Sheikh Numan, Resident of Village-Chainpur Dhaka, P.s.-Dhaka, District-East Champaran (Motihari).
 2. Minhaz Alam, Son of Late Sheikh Numan, Resident of Village-Chainpur Dhaka, P.s.-Dhaka, District-East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, East Champaran at Motihari.
3. The Sub Divisional Officer, Sikrahana at Dhaka, District-East Champaran at Motihari.
4. The Circle Officer, Dhaka Anchal, District-East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Adv.
For the Respondent/s	:	Md. Anis Akhtar, Adv.
		Md. Rananjay Kumar, Adv.
For the State	:	Mr. Arif Daula Siddiqui, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-10-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i). For setting aside the notice dated 29.08.2023 issued to the petitioners in Form- II in Encroachment Case No. 26/2015-16 whereby the petitioners have been directed to remove the encroachment from Khata No. 414, Plot No. 2537, Thana No. 106 situated at village- Dhaka Ramchandra, District- East Champaran at Motihari otherwise same shall be removed by use of force.

(ii). For issuance of direction to the Circle Officer,



Dhaka to immediately provide certified copy of the entire order sheets of the Encroachment Case No. 26/2015-16 for which requisition was filed on 22.12.2022 so that the petitioner may file statutory appeal before the District Magistrate, East Champaran at Motihari in the light of the liberty granted by this Hon'ble High Court in CWJC No. 13443/2022 disposed of vide order dated 08.05.2023.

(iii). For that the petitioner further prays that the Circle Officer, Dhaka, be directed to not to execute the final order and the aforementioned notice in Form II Dated 29.08.2023, until the certified copy of the entire order sheet of Encroachment Case No. 26/2015-16 is provided and the petitioners may file his appeal before the District Magistrate, East Champaran, Motihari.”

2. The only complaint of the petitioners is that the documents submitted by them, have not been considered by the Circle Officer, Dhaka, District-East Champaran at Motihari, in the pending Encroachment Case No. 26 of 2015-16, hence, they be granted liberty to again submit the requisite documents within a period of four weeks from today, which be directed to be considered and then the Circle Officer, Dhaka be also directed to pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as



the “Act, 1956”).

3. The learned counsel for the Respondent-State submits that in case, appropriate representation, annexing relevant documents regarding right, title and interest of the petitioners in the land in question, is filed within a period of four weeks, the same would definitely be considered by the Circle Officer, Dhaka, District-East Champaran at Motihari and appropriate final order under Section 6(1) of the Act, 1956, shall be passed, forthwith.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioners to file their objections, annexing relevant documents, within a period of four weeks from today, whereupon the Circle Officer, Dhaka, District-East Champaran at Motihari, shall consider the same and pass the final order, under Section 6(1) of the Act, 1956 and till then, status quo, existing as on today qua the land / houses of the petitioners in question, shall be maintained.

(Mohit Kumar Shah, J)

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