

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14202 of 2023

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Nagina Thakur Son of Late Ghurbhari Thakur, R/o Village-Bhada, P.S.
Harsidhi, Distt- East Champaran (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principle Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector, East Champaran.
4. The D.C.L.R, East Champaran.
5. The Circle Officer, Harsidhi, East Champaran.
6. The Sub Divisional Public Grivance Redrasal Officer, Arears East Champaran.
7. The Sub Divisional Officer, Areraj, District- East Champaran.
8. Reena Devi, Wife of Sukhal Paswan, R/o Village and P.O. - Bhada, P.S. and Anchal- Harsidhi, Distt- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Waliur Rahman, Advocate
Mr.Nishant Kr. Sinha, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-11-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For Setting aside the order dated 20/09/2023 issued under section 6(1) of Bihar Public Land Encroachment Act which communicated through Form-II dated 20/09/2023, in Encroachment case No. 10/23-24 to the petitioner that by 10/10/2023 release the encroachment after same would be demolish, but the fact the notice and order itself



is misconceived and without jurisdiction since that the petitioner is a settlee with regard to the land in question from the state and residing therein by construction house there upon since the settlement.

(ii) For that quashing the letter no.-161 of dated 04/08/2023 issued under the sign of Bihar Right to Public Grievance Redressal to the C.O, Harsidhi pursuant to the complain made by the private respondent no 2nd set, which is completely without jurisdiction in view of the object of the statue.

(iii) For that restrain the respondent authorities not to act and dispossessed from the land in question for whom the petitioner is settle.”

2. At the outset, the learned counsel for the respondent-State has submitted by referring to the counter affidavit, filed in the present case that the Circle Officer, Harsidhi, District East Champaran has already passed the final order dated 20.09.2023, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.10 of 2023-24, hence in case the petitioner is aggrieved, he can challenge the same by filing appropriate appeal.

3. At this juncture, the learned counsel for the



petitioner submits that the petitioner has already filed an appeal, before the Collector, East Champaran at Motihari, bearing Encroachment Appeal Case No.92 of 2023-24, which is pending adjudication, hence some protection be granted during the interregnum period.

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 a direction to the Collector, East Champaran at Motihari to dispose off the aforesaid appeal, filed by the petitioner, by passing a reasoned and a speaking order, in accordance with law, forthwith and till then status quo existing as on today qua the land/house of the petitioner in question shall be maintained.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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