

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17307 of 2022

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1. Sumitra Devi wife of Bhola Chaudhary resident of village- Bishunpur Tara, P.S.- Madhuban, District- East Champaran.
 2. Prabhawati Devi wife of Naresh Chaudhary resident of village- Bishunpur Tara, P.S.- Madhuban, District- East Champaran.
 3. Ranjan Devi wife of Rup Narayan Chaudhary resident of village- Bishunpur Tara, P.S.- Madhuban, District- East Champaran.
 4. Sunita Devi wife of Vidyanand Chaudhary resident of village- Bishunpur Tara, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The Deputy Collector Land Reforms, East Champaran at Motihari.
4. The Circle Officer, Madhuban, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kr. Tiwary, Advocate
	:	Mr. Lalmani Sharma, Advocate
For the Respondent/s	:	Mr.Md. Hurshid Alam (AAG 12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-04-2023 The present writ petition has been filed seeking the following reliefs :-

“ (i) For issuance of an appropriate writ for quashing of the notice dated 02.11.2022 issued under the signature of the respondent no. 4 under the provisions of Section 3 of the Public Land Encroachment Act, 1956 by which the husband of the petitioners, by declaring them encroacher over about 3 dems (Pucca Aa. Makan) of



the Plot no. 745, Thana No. 32 of Mouza Bishunpur Tara, have been asked to file their show cause for removal of the petitioners from the said land.

(ii) For issuance of an appropriate writ, order or direction directing and commanding the respondents to settle about 3 dems of the land out of Plot no. 745, Thana No. 32 of Mouza Bishunpur Tara with each of the petitioners after quashing of the aforesaid Notice /s dated 2-11-2022 (Anx.-3 series).

(iii) For issuance of an appropriate writ directing and commanding the respondents to fix the rent after settling about 3 dems. of the land out of the aforesaid Plot no. 745, Thana No. 32 of Mouza Bishunpur Tara with each of the petitioners over which the respondent State itself after constructing the house under Indira Aawas Yojna, have allotted to the petitioners separately.

(iv) For issuance of an appropriate for a declaration that the petitioners have not encroached about 2 dems of the land out of the aforesaid Plot no. 745, Thana No. 32 of Mouza Bishunpur Tara rather by constructing the house under the scheme of Indira Aawas Yojna, the respondent State



itself has allowed each of the petitioners to reside over the said land.”

At the outset, the learned counsel for the respondent- State has submitted that the grievances of the petitioners have been redressed, as would be apparent from paragraph no. 16 of the counter affidavit, filed today in the Court, which has been taken on record, which is reproduced hereinbelow :-

“ (16) That the reliefs sought for and ground raised in paragraphs no. 1 (I) to (v), 2(i) to (viii) are not worth consideration because of the fact that the Circle Officer, Madhuban has already taken appropriate steps not to remove pucca structures of these petitioners from public land without providing them homestead land and rest another encroachment will be removed after providing adequate police force male and female and deputation of Magistrate provided by S.D.O., Pakridayal. As such instant writ application is fit to be dismissed.”

In view of the aforesaid, the learned counsel for the petitioners submits that the present writ petition may be disposed off, however, the petitioners be granted liberty to



seek redressal of their subsisting grievances, if any, by approaching the respondent- authorities. Liberty so sought, is granted.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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