

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.194 of 2023

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Shyamsundar Dubey S/o Chandrakishor Dubey, resident of Vill-Jhakhra, P.S.-
Nautan, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Patna, Bihar.
2. The Collector cum District Magistrate, West Champaran, Bihar.
3. The Additional Collector, West Champaran, Bihar.
4. D.C.L.R. West Champaran, Bihar.
5. Circle Officer, Nautan, West Champaran, Bihar.
6. Sahmad Mian, S/o Noorhasan Mian, residing at Vill-Jhakhra, P.S.-Jagdishpur, District-West Champaran.
7. Muslim Mian, S/o Akilbahar Mian, residing at Vill-Jhakhra, P.S.-Jagdishpur, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-09-2023 1. The present writ petition has been filed
seeking the following relief:-

*“1.(A) For issuance of appropriate
Writ, Order/s, Direction/s in the
nature of Mandamus commanding
the respondents to get the
encroachment removed which has
been erected in the form of a hut in
front of the house of the petitioner
on the gairmajarua aam land which
was being used as road and has not*



only partially blocked the entrance to the petitioner's house but also reduced the breadth of the road standing there and thus is creating hindrance to the traffic on the said road and to release the land in question which is Govt. land as mentioned in the Khatian and map and now mostly blocked and abstracting the egress/ingress due to illegal encroachment.

(B) For issuance of appropriate declaration that the action of the respondents concerned in not removing encroachment in question is highly illegal. arbitrary, malicious and tantamounting to violation of the Fundamental Rights, Human Rights and Natural Right of the petitioner and his family and other co-villagers in the facts and circumstances of the case.

(C) For issuance of appropriate declaration that the land in question is the Govt. land/road and to direct the Respondent No. 6 & 7 to not to interfere with the road in question and not to encroach the same in any way.



2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Nautan, District-West Champaran, for redressal of his aforesaid grievance. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioner approaches the Circle Officer, Nautan, District-West Champaran, by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today, the same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.

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

(Mohit Kumar Shah, J)

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