

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.680 of 2023

1. Lal Babu Sah Son of Jhadi Lal Chaudhary, Resident of Village - Barharwa Mahanand, P.S. Kalyanpur, District - East Champaran.
2. Arvind Prasad @ Arun Kumar Sah, Son of Late Khushal Sah, Resident of Village - Barharwa Mahanand, P.S. Kalyanpur, District - East Champaran.
3. Vijay Kumar Choudhary @ Vijay Kumar Chaudhari Son of Nagina Prasad, Resident of Village - Barharwa Mahanand, P.S. Kalyanpur, District - East Champaran.
4. Sanjay Prasad Son of Sri Prasad Sah, Resident of Village - Barharwa Mahanand, P.S. Kalyanpur, District - East Champaran.
5. Ram Naresh Prasad Son of Late Janak Sah, Resident of Village - Barharwa Mahanand, P.S. Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, East Champaran, Motihari.
3. The Additional Collector cum Additional District Magistrate Land Reforms, East Champaran, Motihari.
4. The Sub Divisional Officer, Chakia, East Champaran, Motihari.
5. The Circle Officer, Kalyanpur, District - East Champaran, Motihari.
6. The Dy. S.P. Chakia, District - East Champaran, Motihari.
7. The Officer in Charge, P.S. - Chakia, District - East Champaran.
8. Braj Kishore Prasad Sharma, Son of Late Shivjee Prasad Sharma, Resident of Village - Barharwa Mahanand, P.S. Kalyanpur, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-09-2023

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

“1(A) A writ in the nature of "Certiorari" or any other appropriate writ / writs. order or orders, for quashing the order dated



29.11.2022 passed in Encroachment Appeal No. 15 of 2022-2023 by the learned Additional Collector cum Additional District Magistrate, East Champaran, Motihari, whereby and whereunder the learned Collector rejected the prayer for time and affirmed the order dated 03.06.2022 passed by the Circle Officer, Kalyanpur. (Annexure-3).

(B) A writ in the nature of "Mandamus" or any other appropriate writ / writs. order or orders, directions commanding the respondents for the following:-

(I) To direct the authorities concerned to engaged / appoint an expert and measured the land bearing Plot No. 1060 and 2038 which is a public land under the supervision of superior authorities and then thereafter initiate process of removal of encroachment.

(II) To Direct the Respondent / Authorities not to demolish the house of the Petitioners situated at Plot No. 1002, 1003, 1004, 2273 etc. on the basis of improper and incorrect measurement."

2. At the outset, the learned counsel for the petitioners submits that in view of the liberty, already granted, vide order



dated 01.12.2022, passed in CWJC No.16843 of 2021, the petitioners do not wish to press the present writ petition.

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 approach the competent Civil Court, having competent jurisdiction, for redressal of their grievances.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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