

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4513 of 2024

1. Ram Pukari Devi Wife of Avadhesh Ray, Resident of Village Konhwa Karariya, Police Station Kotwa, District- East Champaran.
2. Ajeet Kumar, Son of Tulli Yadav, Resident of Village Konhwa Karariya, Police Station Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, East Champaran.
4. The Additional Collector, East Champaran.
5. The Deputy Collector Land Reforms, East Champaran, Motihari.
6. The Circle Officer, Kotwa, East Champaran.
7. Vijay Ray, Son of Late Ramjeevan Ray, Resident of Village Konhwa Karariya, Police Station Kotwa, District - East Champaran.
8. Shambhu Ray, Son of Late Mangal Yadav, Resident of Village Konhwa Karariya, Police Station Kotwa, District - East Champaran.
9. Hira Rai, Son of Late Shivdhyan Rai, Resident of Village Konhwa Karariya, Police Station Kotwa, District - East Champaran.
10. Krishna Rai, Son of Late Harihar Rai, Resident of Village Konhwa Karariya, Police Station Kotwa, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajnish Shandilya, Advocate
For the Respondent/s : Mr.Additional Advocate General 09

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. To direct the respondents
especially District Magistrate, East
Champaran, Motihari to issue
necessary direction to the Circle*



Officer, Kotwa, East Champaran as to remove the encroachments made by the respondent no. 7 to 10 over plot bearing no. 961 appertaining to Khata no. 629, situated at village Barahadwa kala Konhwa, Thana no. 184, Circle Kotwa within the district of East Champaran which is recorded as 'Aam Gair Mazarua land' as the same being mentioned in the report dated 03.12.2023 submitted by the Halka Karamchari to the Circle Officer, Kotwa.

(ii) To direct the respondent authorities as to ensure that the right to way of the petitioner and his family members through the land in question is not disturbed by the private respondents by making encroachment i.e. constructing temporary as well as pucca structure."

2. At the outset, the learned counsel for the petitioners seeks a direction upon the respondent no. 6 i.e. the Circle Officer, Kotwa, District-East Champaran, to conclude the proceedings of the pending Encroachment Case No. 08 of 2023-24.

3. *Per contra*, the learned counsel for the respondent-State submits that in case the



aforesaid Encroachment Case is still pending, the same would definitely be disposed off within a stipulated time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Kotwa, District-East Champaran, to conclude the proceedings of the aforesaid Encroachment Case No. 08 of 2023-24, in case the same is still pending, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of six weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

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