

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6182 of 2024

Surendra Sah Son of Ganga Sah, resident of Village - Sagardina, P.S. - Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms, and Revenue Department, Bihar, Patna.
2. The Collector, East Champaran, Motihari.
3. The C.O., Chiraiya, Motihari.
4. The S.D.O., Dhaka/Sikrahana, Motihari.
5. The S.H.O. Chiraiya, Motihari.
6. Dhiraj Paswan, Son of Sikil Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
7. Lattu Paswan, Son of Late Bahadur Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
8. Jattu Paswan, Son of Late Bahadur Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
9. Nathuni Paswan, Son of Late Dasai Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
10. Suraj Paswan, Son of Late Mahadev Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
11. Mohar Paswan, Son of Late Akin Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
12. Bisheshwar Paswan, Son of Late Cheta Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
13. Ganesh Paswan, Son of Late Ram Prasad Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
14. Naresh Paswan, Son of Ramji Paswan, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
15. Sajid Hussain, Son of Late Abid Hussain, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.
16. Santosh Sah, Son of Late Kamal Sah, Resident of village - Semra Sagardiha, P.S. - Chiraiya, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Respondent/s : Mr. Venkatesh Kirti, JC to GA-2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

2 01-07-2024 The present writ petition has been filed seeking the following relief:-

"1. That this is an application for issuance of an appropriate writ and other writs in the nature of mandamus commanding the respondents to initiate the proceeding against respondent No.6 to 16 under the Bihar Public Land Encroachment Act, 1956 and after hearing the parties an appropriate order removing the encroachment made over public land being used as Public Land/Road and he want to build a road on the public land, but respondent No.6 to 16 have encroached the land which is Thana No.132, Dhaka, Khata No.1196 and Khesra."

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Chiraiya, District-Motihari to conclude the proceedings of the pending Encroachment Case No.05 of 2022-23.

3. *Per contra*, the learned counsel for the respondent-State submits that in case the aforesaid encroachment proceeding has not yet been concluded, the same shall definitely be



concluded, within a stipulated time frame, as is directed 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, Chiraiya, District-Motihari to conclude the proceeding of the aforesaid Encroachment Case No.05 of 2022-23, in case the same has not yet been concluded, by passing the final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after hearing the affected parties and in accordance with law, 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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