

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7177 of 2024

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Rakesh Kumar Gupta Son of Rajendra Prasad Gupta Resident of Harsiddhi,
Ward No.- 2, Near Champaran Cold Store, P.S.- Harsiddhi, District- East
Champaran, Bihar. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, East Champaran, Motihari.
3. The Additional Collector (Revenue), East Champaran, Motihari.
4. Sub- Divisional Officer, Areraj, District- East Champaran.
5. The Deputy Collector Land Reforms, Areraj, East Champaran.
6. Circle Officer, Harsiddhi, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Shandilya, Advocate
For the Respondent/s : Mr.Raghwendra Kumar, SC-22

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-07-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“(1) To quash the notice dated 25.01.2020, issued by the Circle Officer, Harsiddhi, East Champaran in Encroachment Case No. 42/2019-20, under purported exercise of power under section 3 of the Bihar Public Land Encroachment Act, 1956, against the father of the Petitioner in respect of the Raiyati land, which also includes the share of the petitioner in the land bearing CS Plot No. 37 appertaining to Khata 486, having an area of 1 acre 98 dismil situated at Mauza Harsiddhi, Circle Harsiddhi District East Champaran, and further to quash the Encroachment Case No. 42/2019-20 pending before the Circle Officer, Harsiddhi, East Champaran.



(ii) To hold and declare that the land bearing CS Plot No. 37 appertaining to Khata 486 Mauza Harsiddhi, Circle Harsiddhi District East Champaran is not a public land rather it is a Raiyati Land.”

2. At the outset, the learned counsel for the petitioner submits that since the petitioner has filed his objection/written statement, in connection with Encroachment Case No.42 of 2019-20, before the Circle Officer, Harsiddhi, District- East Champaran, he be directed to take a final decision.

3. Having regard to the limited prayer made by the petitioner in the present case, I deem it fit and proper to direct the Circle Officer, Harsiddhi, District- East Champaran to consider the aforesaid objection, filed by the petitioner and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.42 of 2019-20, in accordance with law, within a period of six weeks of receipt/production of a copy of this order, in case the final order has not yet been passed.

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

(Mohit Kumar Shah, J)

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