

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6855 of 2024

Chhotelal Prasad Son of Late Shankar Raut Resident of Villaege -
Baikunthwa, P.S. Nautan, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Bihar, Patna.
2. The Collector-cum-District Magistrate, West Champaran, Bettiah.
3. The Sub Divisional Magistrate, Bettiah, West Champaran.
4. The Superintendent of Police, Bettiah Police, District - West Champaran.
5. The Deputy Collector Land Reforms, Bettiah, West Champaran.
6. The Circle Officer, Anchal, Nautan, West Champaran.
7. The Office-In-Charge, Police Station Nautan, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Adv.
For the Respondent/s : Mr. Divit Vinod, AC to SC26

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-07-2024 The present writ petition has been filed seeking the
following relief:-

“1. That this writ application is being filed for
issuance of an appropriate writ/writs,
commanding/directing the respondents authorities
to remove the encroachment made by
encroachers upon government land (Gairmazarua
Aam), bearing Thana No. 178, Khata No. 255 and
256, Khesra No. 1149 and 1150 used as Aam
Rasta by villagers including the petitioner.”

2. At the outset, the learned counsel for the petitioner
submits that after the final order was passed by the



Respondent No. 6 i.e. the Circle Officer, Nautan, in connection with Encroachment Case No. 5 of 2022-23, the Sub-Divisional Officer, Bettiah Sadar, had requisitioned JCB and police force for removal of the encroachment in question, vide letter dated 17.2.2024, however, till date, the encroachment in question has not been removed, hence, appropriate directions be issued to the Respondents.

3. Per contra, the learned counsel for the Respondent-State submits that in case, there is no other legal impediment, the encroachment in question shall be removed, forthwith.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, West Champaran at Bettiah, to ensure that the encroachment in question is removed, forthwith, in case there is no other legal impediment and the final order, passed by the Respondent No. 6, in connection with Encroachment Case No. 5 of 2022-23, has not been annulled by a higher forum or Court of law.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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