

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7873 of 2024

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Shyam Kumar Gupta Shyam Kumason of Late Subhash Chandra Prasad,
resident of Village- Pachrukha Tola Gobari, P.S.- Banjaria, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, East Champaran at Motihari.
3. The Additional Collector-cum-First Appellate Authority, Public Grievance Redressal, East Champaran, at Motihari.
4. The Sub. Divisional Officer, Sadar Motihari, District- East Champaran.
5. The Circle Officer, Banjaria Anchal, District- East Champaran.
6. Mahendra Rai, Son of Late Sahdeo Rai resident of Village- Pachrukha Tola Gobari, P.S.- Banjaria, District- East Champaran.
7. Lalababu Rai, Son of Late Thakur Rai resident of Village- Pachrukha Tola Gobari, P.S.- Banjaria, District- East Champaran.
8. Binay Rai, Son of Late Punyadeo Rai resident of Village- Pachrukha Tola Gobari, P.S.- Banjaria, District- East Champaran.
9. Kapildeo Sahani, Son of Late Bali Sahani resident of Village- Pachrukha Tola Gobari, P.S.- Banjaria, District- East Champaran.
10. Kishundeo Sahani, Son of Late Bhagwat Sahani resident of Village- Pachrukha Tola Gobari, P.S.- Banjaria, District- East Champaran.
11. Narad Sahani, Son of Late Shiv Dayal Sahani resident of Village- Pachrukha Tola Gobari, P.S.- Banjaria, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Adv.
For the Respondent/s : Dr. Md. Raisul Haque, SC-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-07-2024 The present writ petition has been filed seeking the
following relief:-

“1. That this is an application for issuance of writ,
order or direction particularly in the nature of
Mandamus, directing the respondent authorities,



pecially respondent no. 5, the Circle Officer, Banjaria (West Champaran) to remove the encroachment made over the Government Gairmajarua Aam land (Rasta), situated at Mauja: Pachrukha Tola Gobari, P.S: Banjaria, District: East Champaran, appertaining to Thana No. 65, Khata No. 1372, Khesra No. 477, area 10 Kattha 6 dhur and Khesra No 503, area 12 katha, 7 dhurs 0-05 decimals, for which Encroachment Case No. 1/23-24 had been initiated against the encroachers i.e. respondent no. 6 to 11, and thereafter orders dated 05.06.2023 and 19.07.2023 have been passed by the Sub-Divisional Officer, Sadar Motihari and Additional Collector Motihari, respectively but till date, the said orders have not been executed and the encroachment still stands on the aforesaid encroached land.”

2. After some arguments, the learned counsel for the petitioner seeks a direction upon the Respondent No. 5 i.e. the Circle Officer, Banjaria, District-East Champaran, to conclude the proceedings of the pending Encroachment Case No. 1 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 Respondent No. 5 to



conclude the proceedings of the aforesaid Encroachment Case No. 1 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. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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