

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6779 of 2024

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1. Ram Kishor Thakur S/o- Sukdev Thakur, R/o- Village- Ramgadh Mahuaawa, Pipra Kothi, P.S.- Pipra Kothi, Anchal- Chakia, District- East Champaran, Motihari.
 2. Nand Kishor Thakur, S/o- Sukdev Thakur, R/o- Village- Ramgadh Mahuaawa, Pipra Kothi, P.S.- Pipra Kothi, Anchal- Chakia, District- East Champaran, Motihari.
 3. Raj Kishor Thakur, S/o- Basudev Thakur, R/o- Village- Ramgadh Mahuaawa, Pipra Kothi, P.S.- Pipra Kothi, Anchal- Chakia, District- East Champaran, Motihari.
 4. Jay Shankar Thakur @ Jay Shankar Kumar, S/o- Rambali Thakur, R/o- Village- Ramgadh Mahuaawa, Pipra Kothi, P.S.- Pipra Kothi, Anchal- Chakia, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
4. The District Collector/Magistrate, East Champaran, Motihari.
5. The Additional Collector East Champaran, Motihari.
6. The Deputy Collector Land reforms, East Champaran, Motihari.
7. The Circle Officer, Chakia, District-East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Advocate
For the Responder/s : Mr.Government Pleader (2)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-07-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(I) For quashing the letter issued by the signature of Circle Officer, Chakia as contained in memo no. 201 dated 16.02.2024, whereby and where under circle officer has



asked for deputation of police force for demolition of the only residential house of the petitioners and others under the garb of encroachment proceeding bearing encroachment case no. 27/2022-23 on the land situated at mauja Ramgadh mahuaawa, Khesra no. 816.

(II) For quashing the entire proceeding initiated by the circle officer Chakia bearing Land encroachment case no. 27/2022-23 and holding that the entire proceeding initiated by the respondent authorities against the petitioners, is abuse of process of law and has only been initiated to harass the petitioners.

(III) For commanding and restraining the respondent authority not to take any coercive action as against the petitioners for dispossessing the petitioners from land in question, as they are landless person, the land on which the house is constructed is the only house on which the petitioners are residing along with the family members since time immemorial, moreover parwana has been issued in the name of ancestors of the petitioners.

(IV) For directing and commanding the respondent authorities to verify from revenue records of the state government as for the land in question parwana was issued in the name of father of the petitioners and if not already



settled take appropriate steps for settling the land in question in favor of the petitioners.

(V) For Directing and commanding the respondent authority to pass appropriate reasoned and speaking order in accordance with law after considering the reply filed on behalf of the petitioners in this regards.

(VI) For restraining the respondent authorities not take any coercive steps as the entire proceeding has been initiated behind the back of the petitioners and to consider the representation as reply and till passing of any final order after considering the reply of the petitioners in accordance with law. Since so far as per knowledge of the petitioner no final order has been passed or served to the petitioner.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the final order dated 04.07.2023, passed by the Circle Officer, Chakia, in connection with Encroachment Case No.27 of 2022-23, by filing appropriate appeal, under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

3. It is needless to state that for a period of four weeks from today, status quo existing as on today qua the land/houses of the petitioners in question shall be maintained in order to



enable them to file appropriate appeal and seeks interim relief.

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

(Mohit Kumar Shah, J)

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