

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8033 of 2024

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Brij Kishor Ram son of Ram Shakal Ram resident of Ward No. 18, Gora Semara, P.O.- Lal Saraiya, P.S.- Majhauria, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar
2. The Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar
3. The District Magistrate-cum-Collector West Champaran
4. The Circle Officer Majhauria, District- West Champaran at Bettiah
5. Sujit Kumar son of Lakshi Ram Resident of Village- Goda Semra, P.O.- Lal Saraiya, P.S.-Majhauria, District- West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Tiwary, Advocate
For the State	:	Mr. K.K. Singh, AC to GP-22
For the Pvt. Respondent No. 5	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-07-2024 The present writ petition has been filed seeking the following reliefs:-

"1 (i) For quashing the order dated 15.07.2023 passed in Encroachment Case No. 16 of 2019- 20 by the Circle Officer, Majhauria whereby and whereunder 5 feet constructed house is ordered to be demolished through cutter machine.

(ii) For quashing of entire Encroachment Case No. 16 of 2019-20 filed by private respondent on the ground that the entire encroachment



case has been initiated against the mandate of Section 6 of Bihar Public Land Encroachment Act and even without passing the final order.

(iii) For directing the respondents to produce the final order as provided in Section 6(1) of the Act passed in Encroachment Case No. 16 of 2019-20.

(iv) For directing the respondents to maintain status quo over the land in question till the disposal of the present writ application.”

2. At the outset, the learned counsel for the respondent-State submits that the petitioner has filed an appeal bearing Appeal Case No. RM39/2023-24 before the learned Collector, West Champaran at Bettiah under Section 11 of the Bihar Public Land Encroachment Act, 1956, to which the learned counsel for the petitioner submits that the same is not being entertained inasmuch as the petitioner was not a party in the encroachment proceedings bearing Encroachment Case No. 16 of 2019-20, however his deceased father had been made a party therein.

3. In view of the aforesaid, I direct the learned Collector, West Champaran at Bettiah to



entertain the aforesaid appeal filed by the petitioner, hear it on merits and pass a reasoned and a speaking order, in accordance with law, within a period of eight weeks of receipt/production of a copy of this order.

4. It is needless to state that for a period of eight weeks from today, status quo existing as on today qua the land/house of the petitioner in question, shall be maintained.

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

(Mohit Kumar Shah, J)

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