

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7296 of 2024

1. Ramesh Kumar son of Ganesh Prasad, Resident of Shivganj, Ward No.- 7, P.O.- Narkatiyaganj, P.S.- Shekarpur, District- West Champaran.
2. Bhola Prasad Gupta, S/o Late Ramchandra Prasad Gupta, Resident of village- High School Narkatiyaganj, Ward No.-10, P.O.- Narkatiyaganj, P.S.- Shekarpur, District West Champaran.

... .. Petitioners

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Deptt., Government of Bihar, Patna.
2. The Collector, West Champaran.
3. The Additional Collector, West Champaran, Bettiah.
4. The Sub Divisional Officer, Narkatiyaganj, West Champaran.
5. The Executive Officer, Nagar Parishad Narkatiyaganj, West Champaran.
6. The Anchaladhikari, Narkatiyaganj, West Champaran.
7. The Managing Director, Tirhut Dugdh Utpadak Sahkari Sangh Ltd., Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Rakesh Ranjan, Adv.
	:	Mr. Manendra Kumar Sinha, Adv.
For the State	:	Mr. K.K.Singh, GP-22
For Respondent No-5	:	Mr. Prashant Kumar, Adv.
	:	Mr. Manawr Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-08-2024 The present writ petition has been filed seeking the following reliefs:-

“(i)For issuance of an appropriate writ, order, direction setting aside the notice dated 06.04.2024, served upon the petitioners issued by the Respondent No.06 Anchaladhikari, Narkatiyaganj in Form No. II u/s 6(2) of the Bihar Public Land Encroachment Act, 1956 in Encroachment Case No. 13/2023-24 whereby and



whereunder the petitioners have been directed to remove the encroachment made over the land appertaining to Plot No. 1453/1, 1457/1, 1454/2, 741/1, admeasuring ½ decimal, 1 ½ decimal, 16 Decimal situated at Mauza-Shioganj, P.S. - Shikarpur, Thana No. 111, District West Champaran without passing any final order as per Section 6(1) of the Act, 1956 and thus, the notice under challenge is illegal and contrary to the provisions of the Act.

Further the Respondents be directed not to take any coercive steps against the petitioners in the matter of removing encroachment in Case No. 13/2023-24.”

2. At the outset, the learned counsel for the petitioners submits that the petitioners have been allotted land appertaining to Mauza-Sikarpur, Thana No.111, Khata No.6, Khesara No. 1456, area 144 sq. ft and Khata No.268, Khesara No.241, admeasuring 144 sq. ft., however, the Circle Officer, Narkatiyaganj has initiated Encroachment Case No.13 of 2023-24, appertaining to Khata No.266, Khesra No.1453, Khata No.6, Khesara No.1454 and Khata No.266, Khesara No.741. In view of the aforesaid, it is submitted that the respondents be directed not to disturb the petitioners till the time, the allotment in question is cancelled or appropriate encroachment proceedings are initiated by the Circle Officer, Narkatiyaganj and taken to its logical conclusion in connection with Khata



No.6, Khesara No.1456 and Khata No.268, Khesara No.241, allotted to the petitioners. It is directed accordingly.

3. As far as No Objection Certificate regarding construction of Milk Parlour is concerned, it has been pointed out that the same, qua the petitioners, has been cancelled by the Sub Divisional Officer, Narkatiyaganj, vide order dated 10.11.2023, hence, in case the petitioners are aggrieved by the same, they may approach the District Magistrate, West Champaran at Bettiah. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the District Magistrate, West Champaran at Bettiah for redressal of their aforesaid grievance. Liberty so sought is granted.

4. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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