

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7860 of 2024

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Banka Baitha Son of Late Punit Baitha, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Circle Officer, Chakiya, East Champaran, Motihari.
5. The SHO, Pipra Kothi Police Station, District - East Champaran.
6. Rambali Thakur, Son of Sukhdev Thakur, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, P.O.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.
7. Nand Kishor Thakur, Son of Sukhdev Thakur, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, P.O.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.
8. Ram Kishor Thakur, Son of Sukhdev Thakur, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, P.O.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.
9. Raj Kishor Thakur, Son of Basudev Thakur, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, P.O.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.
10. Shiv Thakur, Son of Basudev Thakur, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, P.O.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.
11. Pramod Thakur, Son of Basudev Thakur, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, P.O.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.
12. Raju Thakur, Son of Basudev Thakur, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, P.O.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.
13. Mostt. Shanti Devi, Wife of Late Nawal Kishor Thakur, Resident of Village - Ramgarh Mahuawa, P.S.- Pipra Kothi, P.O.- Pipra Kothi, Circle - Chakiya, District - East Chamapran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha, Advocate
For the Respondent/s : Mr. Subhash Pd. Singh, GA-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2024 At the outset, the learned counsel for the petitioner seeks to make correction in paragraph no. 1 of the present writ petition. Permission, so sought, is granted. Needful be done during the course of the day.

2. The present writ petition has been filed seeking the following reliefs:-

“1. i. For issuance of direction to the respondent Circle Officer, Chakiya, District-East Champaran, Motihari to remove the admitted encroachment made by the private respondent upon the public land appertaining to Khata No. 215, Plot No. 816, Area 3 Acre 23 decimal which is a public road and has been encroached by the private respondents and after hearing the private respondent order under Section 6 of the Bihar Public Land Encroachment Act has been passed treating them encroacher vide order dated 04.07.2023 but the order has not been executed for one reason or another in connivance with the



private respondent.”

3. At the outset, the learned counsel for the petitioner submits that the Circle Officer, Chakiya, East Champaran, Motihari, vide order dated 04.07.2023 has passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No. 27 of 2022-23, however, the same has not been enforced till date inasmuch as the encroachment in question has not been removed.

4. *Per contra*, the learned counsel for the respondent-State submits that in case there is no other legal impediment and the aforesaid order has not been annulled by any higher forum or Court of law, the same would definitely be enforced within a stipulated time frame.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, East Champaran at Motihari to ensure compliance of the aforesaid order dated 04.07.2023, in case there is no other legal impediment and/or the same has not been



annulled by any higher forum or Court of law, by taking recourse to the due process of law.

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

(Mohit Kumar Shah, J)

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