

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8242 of 2024

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Lalit Narayan Mishra son of Umashankar Mishra, resident of Mohalla-Bajajpatti, Madhuban Chhauni Chaok, P.S.- Town Nagar Motihari, P.O.- Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
2. The Collector, East Champaran, Motihari.
3. The Deputy Collector, Land Reforms, Motihari, East Champaran.
4. The Circle Officer, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.
For the Respondent/s : Mr.Government Advocate (7)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2024 The present writ petition has been filed seeking the following reliefs:-

“1. That this is an application to issue a writ in the nature of certiorari to quash/set aside the notice dt. 08.12.23 issued by the Circle Officer, Sadar, Motihari, whereby and whereunder the respondent No. 4 has directed the petitioner to remove encroachment made upon Khesra No. 858 by constructing wall/shade upon an area of 138ft x (7 ft +4 ft)/2 thereafter the petitioner filed an appeal bearing Encroachment Appeal No. 130/2023-24 before the Collector, Motihari, East Champaran against the notice dt. 08.12.23 which is still pending but the authority concerned demolished the so called encroachment.



(a). Further commanding and directing the respondent authority to restrain them to construct any new construction during the pendency of the Encroachment Appeal No. 130/2023-24.

(b). Further direction may be given to the authority concerned that first after measuring carve out the land of the petitioner measuring an area 9 katha 4 dhur and rest land may be used by the state for which the petitioner will have no concern / objection.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Collector, East Champaran, Motihari, to dispose off the pending Encroachment Appeal No. 130 of 2023-24, within a stipulated time frame.

3. Per contra, the learned counsel for the Respondent-State submits that if the aforesaid appeal is still pending, it shall be disposed off, within a fixed time frame.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Collector, East Champaran, Motihari, to dispose off the aforesaid appeal, filed by the petitioner, in case the same is still pending, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks of receipt / production of a copy of this order.



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

(Mohit Kumar Shah, J)

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