

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8765 of 2024

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Prawesh Prasad @ Ram Prawesh Prasad @ Parwesh Narayan Prasad Son of
Late Muni Lal Singh @ Late Manu Lal Sah Resident of Village- Siswaniya,
Police Station- Adapur, District- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The Circle Officer, East Champaran, Motihari.
4. Shambhu Prasad Son of Ramdev Sah Resident of village- Siswaniya, Police Station- Chhoradano, District- East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv.
For the Respondent/s : Mr.Standing Counsel (28)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-07-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1. That this is an application for issuance of an appropriate writ(s)/ order(s)/ direction(s)/ commanding the respondents to show cause as to why notice dated 15.03.2024, issued by respondent Circle Officer, Chhauradano be not quashed by which petitioner has been illegally directed to remove the encroachment from land in question bearing Khata No. 179, Khesra No. 240, irrespective of the fact that the said land is private land of the petitioner, which he had purchased by a sale deed and since 1984



petitioner is in peaceful possession without any hindrances and disturbance and continuously paying rent to the authorities concerned.”

2. At the outset, the learned counsel for the petitioner submits that in response to the notice dated 15.03.2024, issued by the Circle Officer, Chhoradano, District-East Champaran at Motihari, the petitioner has already filed a detailed objection on 26.04.2024, which is annexed as Annexure-P/4, to the present writ petition, hence the Circle Officer, Chhoradano, District-East Champaran at Motihari, be directed to consider the same, in accordance with law and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act, 1956’), and till then, the petitioner be protected.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Chhoradano, District-East Champaran at Motihari to consider the objection filed by the petitioner (annexed as Annexure-P/4 to the present writ petition) and pass the final order under Section 6(1) of the Act, 1956, within a period of six weeks from today and till then no coercive action shall be taken against the petitioner.

4. The writ petition stands disposed off on the



aforesaid terms.

(Mohit Kumar Shah, J)

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