

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11044 of 2023**

Om Prakash Giri Son of Shri Raghuvir Giri, Resident of Village-Chainpur,  
Police Station-Kalyanpur, District East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, East Champaran, Motihari.
3. The Land Reforms Deputy Collector, Chakia, East Champaran
4. The Sub Divisional Officer, Chakia, East Champaran
5. The Circle Officer, Kalyanpur, East Champaran.
6. Nageshwar Prasad, son of Ram Vilas Sah, Resident of Village-Pakri Dikshit, Tola-Chainpur, Police Station-Kalyanpur, District-East Champaran.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Rajnish Shandilya, Advocate  
For the Respondent/s : Mr. Sajid Salim Khan ( Sc 25 )

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      24-06-2024                      1.      The present writ petition has been  
filed seeking the following relief:-

*“ 1(i) To direct the respondent authorities especially the Circle Officer, Kalyanpur (Respondent No.5), as to consign the encroachment proceedings i.e. Encroachment Case No.03/22-23 initiated in terms of Bihar Public Land Encroachment Act in respect of land in question appertaining to Khata No. 14 Plot No. 1596 measuring 4 Decimal (1 katha 1 dhur) which having already been mutated in name of the Petitioner vide Mutation Case No.*



*500/2009-10 and the petitioner has been paying the revenue demand and getting the rent receipts.*

*ii. To restraint the Respondents from making removal of petitioner from land in question as described above, which has been coming under peaceful uninterrupted and continuous possession of the Petitioner.*

*iii. To direct the respondent authorities as to treat the land referred above i.e. Plot No. 1596 as a Raiyati land of the petitioner and not Public Land as it has lost its nature since a long time and for that not to cancel the Jamabandi running in his name.”*

2. At the outset, the learned counsel for the respondent submits that the *Jamabandi* of the petitioner qua the land in question has stood cancelled by an order dated 24.06.2023, passed by the learned Additional Collector-cum-Additional District Magistrate, East Champaran, Motihari in *Jamabandi Cancellation Case No.115 of 2022-23*.

3. The learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 24.06.2023 by filing appropriate appeal. Liberty so sought is



granted.

4. It is needless to state that for a period of four weeks from today, no coercive action shall be taken against the petitioner in order to enable him to file appropriate appeal and obtain interim relief.

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

**(Mohit Kumar Shah, J)**

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