

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12863 of 2023

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1. Lal Babu Das Son of Banarshi Das, Resident of Village - Katharia, P.S. - Kalyanpur, District - East Champaran.
 2. Bhikhari Das Son of Late Jagdev Das, Resident of Village - Kathariya, P.S.Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Old Secretariate, Patna.
2. The Principal Secretary, Department of Land and Reforms, Govt. of Bihar, Old Secretariat, Patna.
3. The Collector cum District Magistrate, East Champaran.
4. The Sub Divisional Officer, Chakiya, District - East Champaran.
5. The Circle Officer, Circle- Kalyanpur, District- East Champaran.
6. Anchal Amin, Circle- Kalyanpur, District- East Champaran.
7. The Officer In-Charge, Kalyanpur Police Station, District - East Champaran.
8. Satyam Kumar Son of Late Ishwari Dubey, Resident of Village Kathariya, P.S. - Kalyanpur, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Adv.
For the State	:	Mr.Sajid Salim Khan, SC-25
		Mr.Arif Daula Siddiqui, AC to SC-25
For the Respondent No.3:		Mr.Karandeep Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 30-07-2024 1. The delay which has occurred in removal of the defects by the petitioners is condoned.
2. The present writ petition has been filed seeking the following relief(s):-

“1.i. For issuance of an appropriate Writ in the nature of Certiorari for quashing the order dated 13.04.2018 passed by the Circle Officer,



Kalyanpur, East Champaran, in Land Encroachment Case No. 05/17-18 by which it has been decided that Petitioners have encroached the land bearing Mauza Kathariya, Thana No. 53, Khata No. 116, Khesra No. 917 is Gair Majarua Aam Road and further a direction has been given for issuance of notice in the prescribed format for removing the aforesaid encroachment.

ii. For issuance of an appropriate Writ in the nature of Certiorari for quashing the order dated 7th of March 2023 as passed by the learned Collector-cum-District Magistrate, East Champaran Motihari in Encroachment Appeal Case No. 4/2018- 19 by which the Appeal as preferred by the petitioners have been dismissed on the ground that the land in question as mentioned in the order of the circle officer dated 13th of April 2018 is a public Road (Gair Mazarua Kism Rasta) and further direction has been given to the circle officer, Kalyanpur to take steps under Abhiyan Basera Policy to settle the Appellants and if the Appellants in investigation is found landless of suitable category and as per the guidelines of the revenue and land reforms department.

iii. For issuance of an appropriate Writ in the nature of Certiorari for quashing the entire Encroachment Proceeding bearing Land Encroachment Case No. 05/17-18 as being initiated by the Circle Officer, Kalyanpur, East



Champaran so far as the Petitioners are concerned.”

3. At the outset, the learned counsel for the petitioners submits that the petitioners be granted liberty to approach the District Magistrate, East Champaran at Motihari, for settlement of land in their favor, under the Abhiyan Basera Scheme, as has been directed by him in his order dated 07.03.2023, passed in Encroachment Appeal Case No.4 of 2018-19. Liberty so sought is granted.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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