

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11590 of 2023

Abdul Shidik @ Md. Shidik Son of Late Md. Isharoyal @ Md. Isharoyal Mia,
Resident of Village- Aamodei, Chadhawa Tola, P.S. Ramgadhwa, District-
East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, East Champaran, Motihar.
2. The Sub-Divisional Officer, Raxaul, District- East Champaran.
3. The Circle Officer, Ramgarwa, District- East Champaran.
4. The Superintendent of Police, Motihari, District- East Champaran.
5. The Officer-in-Charge, Ramgarwa, Police Station, District- East Champaran, Motihari.
6. Sheikh Husmuddin S/o Late Sheikh Yunus, Resident of Village- Aamodei, Chadhawa Tola, P.S. Ramgadhwa, District- East Champaran.
7. Sheikh Naimullah @ Sheikh Netullah S/o Late Sheikh Hasanjan, Resident of Village- Aamodei, Chadhawa Tola, P.S. Ramgadhwa, District- East Champaran.
8. Sheikh Abdullah S/o Late Hasanjan, Resident of Village- Aamodei, Chadhawa Tola, P.S. Ramgadhwa, District- East Champaran.
9. Sheikh Jikurallah S/o Late Sheikh Ramjan, Resident of Village- Aamodei, Chadhawa Tola, P.S. Ramgadhwa, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Adv.
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 20-08-2024 The present writ petition has been filed seeking the
following relief:-

“1. That this is an application for issuance of appropriate writ, commanding the Respondents to remove the Encroachment from the public road (Gair Majarua Aam), being Khesra No.1830 of Gram Panchayat Raj of Aamodei, Chadhawa Tola, District- East Champaran, which has been encroached by the villagers, who are not



removing Encroachment from the above mentioned (Gair Majarua Aam) Public road in spite of clear finding in an enquiry report and order of the Circle Officer, Ramgarwa, East Champaran, Motihari.”

2. Admittedly, no order has been passed by the Circle Officer, Ramgarwa, East Champaran at Motihari, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), in connection with Encroachment Case No. 10 of 2022-23, hence, it is fairly submitted by the learned counsel for the Respondent-State that appropriate notices would be issued to the encroachers including the private Respondents no. 6 to 9 and after seeking their reply as also consideration thereof, final order under Section 6(1) of the Act, 1956, shall be passed by the Circle Officer, Ramgarwa, East Champaran at Motihari and till then, no coercive action shall be taken against the private Respondents No. 6 to 9. It is directed accordingly.

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

(Mohit Kumar Shah, J)

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