

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11389 of 2024

=====

Rajdev Mahato @ Rajdev Prasad S/o Bhadai Mahato, Resident of Village -
Kuarapati Machhar Ganw, P.S.- Yogapatti, Dist. - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, West Champaran at Bettiah.
2. The Collector-cum-District West Champaran at Bettiah.
3. The Additional Collector, Bettiah, West Champaran.
4. The Sub-Divisional Officer, Bettiah Sadar, Bettiah, West Champaran.
5. The Circle Officer, Yogapatti Block, Yogapatti, West Champaran.
6. The Superintendent of Police, Bettiah, West Champaran.
7. The Officer-in-Charge, Yogapatti, Police Station, Yogapatti, District - West Champaran.
8. Ramayan Mahato, S/o Late Sita Ram Mahato, Resident of Village - Kuarapati, P.S.- Yogapatti, Dist. - West Champaran.
9. Dukhi Mahato, S/o Late Sita Ram Mahato, Resident of Village - Kuarapati, P.S.- Yogapatti, Dist. - West Champaran.
10. Bulat Kumar, S/o Late Madan Mahto, Resident of Village - Kuarapati, P.S.- Yogapatti, Dist. - West Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-08-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. A. For issuance of a writ in the nature
of Mandamus or any other appropriate
writ, order/s, directions commanding the
respondents for the followings:-*

*I. To remove all encroachment done by
the private respondents from a piece of*



Gairmajarua Aam land (Public Road) appertaining to Khata no. 13, plot no. 120 measuring 68 decimal falling within Kuarapati Mauza of Yogapatti Block under West Champaran District as the land in question is a public road and the encroachments done by the private respondents are causing serious inconvenience to the public at large and the petitioner in particular.

II. To enforce the final order dated 20.05.2023 passed by the respondent no. 5 in Encroachment Case No. 05/2021-22 whereby and whereunder the respondent no. 9 has been declared Encroacher over the subject land and notices u/s 6(2) of the Bihar Public Land Encroachment Act have been issued against him."

2. At the outset, the learned counsel for the petitioner submits that though the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed by the Circle Officer, Yogapatti, District-West Champaran on 20.05.2023, in connection with Encroachment Case No. 5 of 2021-22, however, the encroachment has not yet been removed, hence appropriate directions be issued.

3. *Per contra*, the learned counsel for the



respondent-State submits that in case there is no other legal impediment, the encroachment in question would definitely be removed within a stipulated time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, West Champaran at Bettiah to ensure enforcement of the aforesaid order dated 20.05.2023, in case there is no other legal impediment and if the said order dated 20.05.2023 has not been annulled by any higher forum/Court of law, by taking recourse to the due process of law, forthwith.

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

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

