

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12134 of 2024

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Shyam Sunder Pandey Son of Badri Pandey, Resident of Village-Dilawarpur,
Block and Anchal P.S.-Kalyanpur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran at Motihari.
3. The Sub Divisional Magistrate, Chakia, District East Champaran at Motihari.
4. The Circle Officer, Block and Anchal Kalyanpur, District-East Champaran.
5. Ajay Bhagat, son of Ramji Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
6. Asha Bhagat, son of Langar Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
7. Jawahir Bhagat, son of Moti Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
8. Daroga Bhagat, son of Mangru Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
9. Lakindra Bhagat, son of Ramrit Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
10. Jiwas Narayan Singh, son of Jamuna Singh, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
11. Mostiquim Mian son of Amira Miyan, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
12. Chhatu Miya son of Ishu Miya resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
13. Rajendra Sah, son of Deolal Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
14. Rajdeo Sah, son of Ramswaroop Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
15. Jailal Sah, son of Jamiri Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
16. Rajshray Sah, son of Khayali Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
17. Ramashray Sah, son of Khayali Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
18. Jado Sah, son of Khayali Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
19. Mavabal Sah, son of Gagan Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
20. Bharat Sah, son of Gagan Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.



21. Suresh Sah, son of Khushi Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
22. Shiv Kumar Sah, son of Badri Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
23. Gulzar Miya son of Dila Miya, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
24. Mahmdin Miya son of Maboob Miya, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
25. Ainul Miya son of Dila Miya, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
26. Sakur Miya son of Esak Miya, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
27. Nasruddin son of Mahmud Alam, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
28. Mohammad Raeis, son of Eash Mahammad, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
29. Bachcha Miya son of Rafique Miya, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
30. Bhagwan Kuer, son of Harinand Kuer, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
31. Dinanath Kuer, Ayodhya Kuer, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
32. Sanjay Kuer, son of Shambhu Kuer, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
33. Upendra Kuer, son of Rameshwar Kuer, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
34. Ramdeo Sah, son of Ramshwaroop Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
35. Achechelal Sah, son of Ramashray Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
36. Rajkumar Sah, son of Badri Sah, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
37. Rajeshwar Das, son of Basawan Das, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
38. Nath Das, son of Tilak Das, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
39. Singli Bhagati, son of Hari Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
40. Vijay Bhagat, son of Ramju Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
41. Amar Paswan, son of Nakat Paswan, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
42. Vakil Bhagat, son of Bachchan Bhagat, resident of Village-Dilawarpur,



Block and Anchal P.S.-Kalyanpur, District-East Champaran.

43. Nathuni Bhagat, son of Ramji Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
44. Tutu Bhagat, son of Vakil Bhagat, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.
45. Sukhlal Das, son of Dila Das, resident of Village-Dilawarpur, Block and Anchal P.S.-Kalyanpur, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Pandey, Advocate
For the Respondent/s : Standing Counsel 11

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-08-2024 The present writ petition has been filed seeking the following relief:-

“1. That this writ application is being filed on behalf of the petitioner above named to issue writ in the nature of Mandamus, for directing the respondent authorities for removing the encroachment made by the private respondents over plots no. 5171 and 5172, which are land of Government pond, situated at village- Dilawarpur Block -Kalyanpur District- East Champaran.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, East Champaran at Motihari to enforce the final order passed by the Circle Officer, Kalyanpur, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No.2 of 2017-18 as also the appellate order dated 17.09.2019, dismissing the appeal filed by the encroachers bearing Appeal



Case no.41 of 2017, within a stipulated time frame and remove the encroachment in question.

3. *Per contra*, the learned counsel for the respondent-State submits that in case there is no other legal impediment, the encroachment in question shall be removed by taking recourse to the due process of law.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, East Champaran at Motihari to enforce the final order passed by the Circle Officer, Kalyanpur in connection with Encroachment Case No.2 of 2017-18 as also the order dated 17.09.2019, passed in the aforesaid appeal, by taking recourse to the due process of law, in case there is no other legal impediment as also in case the aforesaid orders have not been annulled by any higher forum/court of law, within a period of six weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

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