

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12154 of 2023

1. Isha Mohammad S/o Abdul Sattar @ Sekh Satar Resident of village and Post - Bijayi, P.S. Ghorasahan, District - East Champaran at Motihari.
2. Mohammad Ajajul Haq, S/o Mohammad Hadish, Resident of village and Post - Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
3. Nurul Hoda @ Bigu, S/o Abdul Rahman, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
4. Md. Tabarak, S/O Md. Hadish, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
5. Iftkhar @ Mohammad Ifatakhur Alam, S/o Abdul Rahman, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
6. Md. Mansoor Alam, S/o Mobark, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
7. Samaruddin, S/o Gani Mohammad, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
8. Mohammad Naushad Alam, S/o Sheikh Abdul Malik, Resident of village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
9. Sunil Ram, S/o Bhikari Ram, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
10. Prabhu Ram, S/o Raghunath Ram, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
11. Saffiq Miyan, S/o Nanhak Miyaan, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
12. Badari Ram, S/o Juthan Ram, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
13. Jaylal Sah, S/o Dev Narayan Sah, Resident of village and Post Bijayi, P.S. Ghorasahan, District - East Champaran at Motihari.
14. Manjar Alam, S/o Md. Umaish, Resident of Village and Post Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.
15. Rajdev Ram, S/o Chulai Ram, Resident of Village and Post - Bijayi, P.S. - Ghorasahan, District - East Champaran at Motihari.

... .. Petitioner/s

Versus



1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, East Champaran at Motihari.
5. The Sub Divisional Officer, Sikraha.
6. The Circle Officer, Ghorasahan, District - East Champaran at Motihari.
7. Md. Azad, son of Md. Shoaib, Resident of Village and Post Bijayi, P.S - Ghorasahan, District - East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 07-08-2024 The present writ petition has been filed seeking the following relief:-

“1. That this writ petition is being filed before this Hon'ble High Court on behalf of the aforesaid petitioners for issuance of a writ in the nature of 'certiorari' for setting aside the order dated 02.03.2023, issued by the Collector cum District Magistrate, District-East Champaran at Motihari in Encroachment Appeal Case No. 16/2020-21, whereby and whereunder the appeal filed by the aforesaid petitioners, against the order dated 14.02.2017, passed in encroachment case No. 5/2016-17, by the Circle Officer, Ghorasahan, District East Champaran at Motihari, has been dismissed, without appreciation of the fact that the land involved in



the aforesaid appeal, i.e. the one bearing Khata No. 16, Khasra No. 1467, falling within Mauja Vijayi, Block - Ghorasahan, District-East Champaran is being inhabited by nearly 41 families over a period of 80 years and moreover, the aforesaid petitioners are landless; And / or further command and direct the state respondents not to disturb the physical possession of the aforesaid petitioners, who have constructed Pucca / brick built/ mud built slum dwelling houses for their respective families, in which the family members of the petitioners are living since a pretty long period.”

2. After some arguments, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to avail such other alternative remedies as are otherwise available under the law including that of filing a suit before the learned Civil Court having competent jurisdiction. Liberty, so sought, is granted.

3. It is needless to state that for a period of six weeks from today, no coercive action shall be taken against the petitioners, in order to enable them to avail such alternative remedies as are otherwise available under the law, including that of filing a civil suit and obtaining interim reliefs.

4. Accordingly, the present writ petition stands disposed off



on the aforesaid terms.

(Mohit Kumar Shah, J)

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