

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12555 of 2023

Mustafa Mian Son of Late Hanif Main, Resident of Village- Tularam Ghat
Bakulahar, P.O. and Police Station- Chanpatiya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran.
2. The District Magistrate, West Champaran.
3. The Additional Collector cum Appellate Authority, Public Grievances, West Champaran.
4. The Sub-Divisional Officer cum Public Grievances Redressal Officer, Bettiah Sadar, West Champaran.
5. The Circle Officer, Chanpatiya, District- West Champaran.
6. Paras Yadav Son of Late Bhaikhari Yadav, Resident of Village- Tularam Ghat Bakulahar, P.O. and Police Station- Chanpatiya, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 05-07-2024 The present writ petition has been filed
seeking the following relief:-

“1. (i) For issuance of appropriate writ for removal of encroachment by the Respondent no. 6 namely Paras Yadav by constructing the Pukka house on part of Gair Majarua Aam Rasta bearing Thana no. 69, Khata No. 973 keshra No. 940.”

2. At the outset, the learned counsel for the petitioner submits that the final order under Section 6(1) of the Bihar Public Land Encroachment



Act, 1956 could not be passed earlier in connection with Encroachment Case No. 5 of 2017-18, inasmuch as Jamabandi was existing in favour of the encroacher, however, now the Jamabandi has been cancelled by an order dated 13.02.2024, passed by the Additional Collector, West Champaran, Bettiah, in Jamabandi Cancellation Case No. 62 of 2023-24, copy whereof has been handed over to this Court and has been taken on record.

3. *Per contra*, the learned counsel for the respondent-State submits that in case the Jamabandi of the encroacher has been cancelled, the Circle Officer, Chanpatiya, District-West Champaran shall take appropriate action in the pending Encroachment Case No. 5 of 2017-18, in accordance with law, forthwith. It is directed accordingly.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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