

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12798 of 2024**

Vilas Das son of Late Dwarikan Das, resident of Village-Ujhilpur,  
Nakardawa, Circle-Tetaria, P.S.-Rajepur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate cum Collector, Motihari, East Champaran.
2. The District Magistrate cum Collector, Motihari, East Champaran.
3. The Sub Divisional Officer, Pakaridayal, East Champaran.
4. The Circle Officer, Tetaria, East Champaran.
5. The Superintendent of Police, Motihari, East Champaran.
6. The Deputy Superintendent of Police, Pakaridayal, East Champaran.
7. The SHO, P.S.-Rajepur, District-East Champaran.
8. Ganor Mahto, son of Prasad Mahto, resident of Village-Ujhilpur, Nakardawa, Circle-Tetaria, P.S.-Rajepur, District-East Champaran.
9. Yogendra Mahto, son of Ganor Mahto, resident of Village-Ujhilpur, Nakardawa, Circle-Tetaria, P.S.-Rajepur, District-East Champaran.
10. Choteylal Mahto, son of Ganor Mahto, resident of Village-Ujhilpur, Nakardawa, Circle-Tetaria, P.S.-Rajepur, District-East Champaran.
11. Lalbabu Mahto, son of Ganor Mahto, resident of Village-Ujhilpur, Nakardawa, Circle-Tetaria, P.S.-Rajepur, District-East Champaran.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar, Adv.  
For the Respondent/s : Mr. Gyan Prakash Ojha, GA7

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**  
**ORAL JUDGMENT**

**Date : 02-09-2024**

Heard learned counsel for the parties.

2. In this writ petition, the petitioner has prayed for  
following relief;

*“1. That this is an application for  
issuance of writ in the nature of mandamus  
and/or any other appropriate writ/writs, order/*



*orders, direction/ directions commanding upon the respondents for demarcation of land of the petitioner Khata No. 146, Khesra No, 159, Area 3 katha 4 dhur situated in the village Ujhilpur, Nakardawa, Circle -Tetaria, P.S. Rajepur situated in the District of East Champaran by the Anchal Amen and delivery of possession after removing encroachment done by Respondent no. 8 to 11 on nine dhur land of petitioner or any other relief your lordships may deem fit and proper.”*

3. Learned counsel for the petitioner submits that the father of the petitioner had purchased the land through *Patta* from Nindi Singh and has also paid the up-to-date Malguzari. He further submits that thereafter the petitioner filed an application dated 19.12.2022 before the Circle Officer, Tetaria, East Champaran/Respondent No.4 for measurement of the land of the petitioner bearing Khata No. 146, Khesra No, 159, Area 3 katha 4 dhur situated in the village Ujhilpur, Nakardawa, Circle -Tetaria, P.S. Rajepur situated in the District of East Champaran by the Anchal Amen and delivery of possession of the same after removing encroachment done by the private respondent nos. 8 to 11 over the 9 (nine) dhur of the petitioner. He further submits that the measurement was done by the Anchal Ameen and Najaree Naksha was also prepared on 08.04.2023 of the



land, in question but, till date, the possession of the land has not been given to the petitioner in accordance with the measurement. Learned counsel for the petitioner further submits that the petitioner has also filed appeal on 14.07.2023 before the Additional Collector (Public Grievances Redressal) cum First Appellate Authority and the same was disposed of vide order dated 28.07.2023 with an advice to the petitioner to file case before the Sub-Divisional Officer or before the Civil Court and get relief. Thereafter, the petitioner filed applications dated 25.08.2023 and 19.06.2024 before the District Magistrate, Motihari, East Champaran for delivery of possession of the land after removing encroachment done by the respondent nos. 8 to 11 but, no action has been taken till date.

4. Finally, learned counsel for the petitioner seeks a direction upon the Circle Officer, Tetaria, East Champaran to dispose of the pending application dated 19.12.2022 (Annexure-P/2) within a fixed time frame.

5. Learned counsel for the respondent-State submits that in case the aforesaid representation dated 19.12.2022 (Annexure-P/2) is still pending, the same may be disposed of within a stipulated time frame, as is fixed by this Hon'ble Court.



6. Having regard to the facts and circumstances of the case, this Court deems it fit and proper to direct the Circle Officer, Tetaria, East Champaran to dispose of the aforesaid representation dated 19.12.2022 (Annexure-P/2), in case the same has not yet been disposed of, by passing a final order in accordance with law and after giving an opportunity of personal hearing to all the parties concerned, within a period of three months from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed of on the aforesaid terms.

**(Rudra Prakash Mishra, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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