

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13547 of 2023

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Sajda Tabasum Wife of Ali Asgar, at Bhogadi Harpur, P.S.- Majhauria,
District- West Champaran, The present Mukhiya of Panchayat Raj Harpur
Garhawa, under Majhauria Block.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Government of Bihar of Patna.
2. That the District Magistrate, West Champaran at Bettiah.
3. The Sub-Divisional Officer, Bettiah, West Champaran, Bihar.
4. The Circle Officer Majhauria, P.S.- Majhauria, District- West Champaran, Bihar.
5. The Superintendent of Police, Bettiah, West Champaran of Bettiah, Bihar.
6. The Officer-In-charge Majhauria Police Station, District- West Champaran, Bihar.
7. Shekh Majrul Haque S/o Late Raja Hussain, Resident of Village- Garhawa Harpur, P.S.- Majhauria, District- West Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramendra Kumar Bharti, Adv
For the Respondent/s : Mr.Md. Khurshid Alam AAG 12

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

13 08-01-2024

Heard the parties.

2. This writ application has been filed for following

reliefs:-

- (i) *The respondents to be directed to remove the encroachment or the public land which bearing the Khata No. 817, Khesra No. 1673-1674 measuring area 0.4 decimal. The at the same is an Aam Rasta (public road) of the village- Harpur Garhawa under the Majhauria Police Station.*
- (ii) *The respondents to be further directed to initiate the encroachment case against the encroacher of the public land with*



pertain to Khata No. 817, Khesra NO. 2251, 2399,787 under the Harpur Garhwa Panchayat and to remove the encroachment if the encroachment found true.

(iii) The respondents to be further directed to remove all the encroachment aforesaid if the such decision is the outcome of encroachment proceedings against the encroacher.

(iv) The respondents to be further directed to remove all the encroachment aforesaid if the such decision is the outcome of encroachment proceedings against the encroacher.

(v) The respondents to be further directed to insure the ingress and egress of the villagers may not fact during pendency of inquiry.

3. The circle officer, Majhauria, West Champaran is directed to act upon the representation dated 17.05.2023 filed before him by the petitioner. If the circle officer finds any encroachment, he will initiate an encroachment case under the Bihar Public Encroachment Act and after hearing all the parties, which including the alleged encroacher. he will passed a reasoned order in accordance with law.

If the Circle officer, Majhauria passes any order for removal of encroachment then he must wait for 30 days so that during that period the alleged encroacher may prefer an appeal the Circle Officer, Majhauria will not act before expiry of 30 days.



4. The aforesaid observation does not mean that this Court has applied its mind and found any encroachment. It is for the circle officer to decide whether there is any encroachment as alleged by the petitioner.

5. The writ petition stands disposed of.

(Sandeep Kumar, J)

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