

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13220 of 2024

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Pitambar Hajra Son of Mangal Hajra Resident of Village- Champapur, P.S.-
Ramgarhwa, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Dept., Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Circle Officer, Ramgarhwa, District- East Champaran, Motihari.
5. Lakshman Prasad, Son of Ganesh Sah Resident of Village- Champapur, P.S.-
Ramgarhwa, District- East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv.
For the Respondent/s	:	Mr.Kinkar Kumar, SC-9
		Mr.Yogesh Kumar, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-09-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1.(i) For issuance of writ in the nature of certiorari for quashing the order dated 31.03.2022, passed by the Anchaladhikari, Ramgarhwa in Encroachment Case No.04/2021-22 by which it has been held that the land bearing Thana No. 122, Khata No. 14, Khesra No.4668, is Gairmajarua land which has been encroached by the petitioner and others, and it has been directed to issue notice to the Encroachers and get the land vacated, without giving any opportunity of hearing to the petitioner.



- ii) For further quashing the notice dated 08.01.2024 issued u/s 6 (2) of the Encroachment Act by which the petitioner has been directed to remove the encroachment on before 24.01.2024.*
- iii) For further issuing direction to respondent Collector to dispose of the Encroachment Appeal Case No. 172/2024, which has been filed against the order dated 31.03.2022, passed by the Anchaladhikari, Ramgarhwa in Encroachment Case No.04/2021-22.*
- iv) For further issuing direction to the Anchaladhikari Ramgarhwa to not take action as per the order dated 31.03.2022 till pendency of the Encroachment Appeal No.172/2024.*
- v) For further giving other legal consequential benefit to the petitioner.”*

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, East Champaran at Motihari, to dispose off the pending Encroachment Appeal No.172 of 2024, within a stipulated time frame and till then seek some protection.

3. Per contra, the learned counsel for the respondent-State submits that in case the aforesaid encroachment appeal case is still pending consideration, the same would definitely be disposed off, within a stipulated time frame, as is fixed by this Court.



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 dispose off the aforesaid Encroachment Appeal No.172 of 2024, in case the same has not yet been disposed off, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks from today and till then, no coercive action shall be taken against the petitioner.

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

(Mohit Kumar Shah, J)

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