

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12643 of 2024

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Rameshwar Mahto son of Indrajit Mahto, resident of Village-Sirisiya Mal,
Post-Nonia Dih, P.S.-Nakardei, Anchal-Adapur, District-East Champaran at
Motihari-845305.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Principal Secretary, Department of Home, Government of Bihar, Patna.
4. The Collector cum District Magistrate, East Champaran at Motihari.
5. The Sub-Divisional Magistrate, Raxaul, East Champaran.
6. The Deputy Collector Land Reforms, Raxaul, East Champaran.
7. The Circle Officer, Adapur, East Champaran.
8. The Station House Officer, Nakardei, East Champaran.
9. Suresh Mahto, son of Late Sarvdeo Mahto, resident of Village-Sirisiya Mal,
Post-Nonia Dih, P.S.-Nakardei, Anchal-Adapur, District-East Champaran at
Motihari-845305.
10. Sotilal Mahto, son of Late Mangal Mahto, resident of Village-Sirisiya Mal,
Post-Nonia Dih, P.S.-Nakardei, Anchal-Adapur, District-East Champaran at
Motihari-845305.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jeetendra Narayan, Adv.
For the Respondent/s	:	Mr.Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-08-2024 The present writ petition has been filed seeking the
following relief:-

“1. That this is an application for grant of
appropriate writ(s), order(s), direction(s), to the
respondents to remove the encroachment, in view
of relevant provisions of the Bihar Public Land
Encroachment act, 1956, in connection with



Encroachment Case No. 17 of 2023-24, pending before Respondent No. 7, made over the Public Land/ Pathway/ village Road, as per khatian, which are public Land/ the State of Bihar, situated at the District of East Champaran at Motihari, Circle- Adapur, Revenue Mouza- Sirisiya Mal its Revenue Thana No. 86, Survey Plot No. 1292 under Khata No. 51, which is used as pathway / rasta (Gairmazarua Malikan), as recorded in Khatian as Rasta, which is a village road, as per village map, have been encroached by the private respondent no. 9 to 10 by way of personal use upon the above said public land/ beside north side of Plot No. 1289 under Khata No. 85, whereupon villagers were using as pathway for the locality, due to which, the common people/ villagers are facing day to day difficulty and obstacles created by the private respondents.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Adapur, East Champaran at Motihari, to conclude the proceedings of the pending Encroachment Case No. 17 of 2023-24 within a stipulated time frame.

3. *Per contra*, the learned counsel for the Respondent-State submits that in case, the aforesaid encroachment proceedings



have not been concluded, the same would definitely be concluded, by passing the final order, within a fixed time frame.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Adapur, East Champaran at Motihari, to conclude the proceedings of the aforesaid Encroachment Case No. 17 of 2023-24, if the same have not already been concluded, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after hearing the affected parties and in accordance with law, within a period of eight weeks of receipt / production of a copy of this order.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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