

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13537 of 2024

Chandan Kumar Singh alias Chandan Singh Son of Late Dilip Kumar Singh,
Resident of Village- Shankar Saraiya, P.S.- Turkaulia, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate -cum- Collector, East Champaran, Motihari.
2. The District Magistrate -cum- Collector, East Champaran at Motihari.
3. The S.D.M., Motihari, District- East Champaran.
4. The District Complaint Redressal Officer, Moihari, District- East Champaran.
5. The Anchal Adhikari, Turkaulia, District- East Champaran.
6. The SHO, Turkaulia Police Station, District- East Champaran.
7. Sheikh Manir, Son of Sheikh Mahmudi Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
8. Sheikh Jainul, Son of Sheikh Mahmudi Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
9. Sheikh Haslu, Son of Sheikh Mahmudi Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
10. Sheikh Amjad, Son of Sheikh Mahmudi Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
11. Seizi Dewan, Son of Farmud Dewan Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
12. Navi Rasul, Son of Farmud Dewan Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
13. Samsul, Son of Rehman Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
14. Maruf, Son of Naeem Miyan Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
15. Farukh, Son of Naeem Miyan Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
16. Jaan Mohammad Miyaan, Son of Late Rafeek Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.-



Turkaulia, District- East Champaran.

17. Kalam, Son of Sultan Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
18. Sheikh Shokil, Son of Isa Mohammad Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
19. Sheikh Daroga, Son of Isa Mohammad Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
20. Sakir, Son of Ardali Izam Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
21. Sheikh Gani, Son of Sheikh Emar Ahmad Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
22. Sheikh Tujar, Son of Sheikh Vajul Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
23. Sheikh Jumad, Son of Sheikh Jhingan Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.
24. Sheikh Roz Mohammad, Son of Sheikh Noor Mohammad Resident of Village- Shankar Saraiya, Tola- Tansariya, Ward No.- 11, P.O.- Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs.Alka Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-09-2024 The present writ petition has been filed
seeking the following reliefs:-

“1. I. For issuance of an appropriate writ, order or direction(s) for commanding and directing the Respondent Authorities to remove the encroachment made by Respondents No. 7 to 24 from Plot



No. 3096, Khata No. 517. Thana No-99, situated at Mauja-Shankar Saraiya, nature of the land being Gair Majaruaa Mokridar, upon which Respondents No. 7 to 24 have made illegal construction due to which the general public is facing trouble in going to the Government Pond (Pokhra) situated at Plot No. 3093, Khata No. 517.

II. For issuance of an appropriate writ order/orders or direction(s) for commanding and directing the Respondent Authorities to take immediate action for removal of the encroachment made by Respondents No. 7 to 24 around Pokhra illegally, since the local residents are facing problem and there is apprehension of communal riots.

III. For issuance of an appropriate writ order/orders or directions for commanding and directing the Anchal Adhikari, Turkaulia, District-East Champaran to conclude the proceedings of Encroachment Case No. 14 of 2022-23, at the earliest."

2. The limited prayer of the petitioner in the present writ petition is to direct the Circle Officer, Turkaulia, District-East Champaran to conclude the encroachment proceedings initiated



vide Encroachment Case No. 14 of 2022-23.

3. *Per contra*, the learned counsel for the respondent-State submits that in case the aforesaid Encroachment Case is still pending, 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 Circle Officer, Turkaulia, District-East Champaran to conclude the proceedings of the aforesaid Encroachment Case No. 14 of 2022-23, in case the same is still pending, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of six weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

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