

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13547 of 2024

Jayshree Bhagat S/o- Chandreo Bhagat @ Chandrdev Bhagat, Resident of
Village- Chailabhar, Ward No.- 11, P.S.- Majhauriya, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, West Champaran at Bettiah.
2. The Collector-cum-District Magistrate, West Champaran at Bettiah.
3. The Additional Collector, Bettiah, West Champaran.
4. The Sub-Divisional Officer, Bettiah Sadar, Bettiah, West Champaran.
5. The Circle Officer, Majhauriya Block, Majhauriya, District- West Champaran.
6. The Superintendent of Police, Bettiah, West Champaran.
7. The Officer-in-Charge, Majhauriya, Police Station, Majhauriya, District- West Champaran.
8. The Chief Executive Officer, Zila Parishad, Bettiah, West Champaran.
9. Dhodha Rai, S/o Bangali Rai Resident of Village- Chailabhar, Ward No.- 11, P.S.- Majhauriya, Dist.- West Champaran.
10. Sunil Rai @ Sunil Singh, S/o Late Lal Babu Rai @ Late Lal Babu Singh Resident of Village- Chailabhar, Ward No.- 11, P.S.- Majhauriya, Dist.- West Champaran.
11. Nand Kishore Singh, S/o Late Raja Ram Singh Resident of Village- Chailabhar, Ward No.- 11, P.S.- Majhauriya, Dist.- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate Mr. S. Kashyap, Advocate
For the State	:	Mr. Alok Ranjan, AC to AAG-5
For the Zila Parishad	:	Mr. Prince Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-09-2024 The present writ petition has been filed
seeking the following reliefs:-

*“A. I. To remove all encroachment
done by the private respondents from
a piece of Gairmajarua Aam Land*



(Public Road) appertaining to Thana no. 204, plot no. 2603 falling within Chailabhar Mauza of Majhauliya Block under West Champaran District, as the land in question is a public road and the encroachments done by the private respondents are causing serious inconvenience to the public at large and the petitioner in particular.

II. To enforce the final order dated 04.04.2024 passed by the respondent no. 5 in Encroachment Case No. 18/2021-22 whereby and whereunder the private respondents have been declared encroachers over the aforesaid land and notices u/s 6(2) of the Bihar Public Land Encroachment Act have been directed to be issued against them."

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, West Champaran at Bettiah to ensure that the final order dated 04.04.2024 passed by the Circle Officer, Majhauliya under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No. 18 of 2021-22, is enforced and the encroachment in question is removed.



3. *Per contra*, the learned counsel for the respondent-State submits that in case there is no other legal impediment and the aforesaid order dated 04.04.2024 has not been set aside by any higher forum/Court of law, steps would definitely be taken for removal of the encroachment in question, by taking recourse to the due process of law.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, West Champaran at Bettiah to enforce the aforesaid order dated 04.04.2024, in its true letter and spirit in case there is no other legal impediment and in case the same has not been annulled by any higher forum/Court of law, forthwith.

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

(Mohit Kumar Shah, J)

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