

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13132 of 2024

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Mohammad Rasul S/o Late Latu Miyan R/o Village- Suraha, Suraha, P.S.-
Muffasil (Motihari), District- East Champaran-845401 (Bihar)

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The District Collector, Motihari, East Champaran.
3. The Additional Collector-Cum-Additional District Magistrate, East Champaran, Motihari.
4. The Sub Divisional Officer (S.D.O) Motihari, East Champaran
5. The Circle Officer Sadar, Motihari, East Champaran
6. Rakesh Ranjan Son of Sachidanand Prasad Srivastawa Resident of Village Suraha, P.S.- Muffasil (Motihari), District- East Champaran

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Adv.
For the Respondent/s : Standing Counsel 22

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-09-2024 The present writ petition has been filed seeking the following reliefs:-

" 1.(i)For issuance of writ in the nature of "Certiorari" for quashing the notices dated 29.07.2024 and 07.08.2024 respectively, issued by the Circle Officer, Sadar Motihari, whereby the petitioner has been declared an encroacher and further the date for vacating the land in question has been fixed without providing any opportunity whatsoever to the petitioner.

(ii). For issuance of writ in the nature of "Certiorari" for quashing the notice dated



28.02.2020 issued under sub-section (2) of Section 6 of the Bihar Public Land Encroachment Act, 1956, by the Circle Officer, Motihari on the ground that the same is completely illegal and without any authority of law.

(iii) For issuance of writ in the nature of "Mandamus" commanding the concerned respondents not to take coercive steps against the petitioner in pursuance of notices dated 29.07.2024 and 07.08.2024 respectively issued by the Circle Officer, Sadar Motihari.

(iv) For issuance of an appropriate writ, direction or order upon the concerned respondents herein for staying the operation of notices dated 29.07.2024 and 07.08.2024 respectively issued by the Circle Officer, Sadar Motihari.

(v) For issuance of an appropriate writ, direction or order upon the respondents herein for staying the operation of the notice under sub-section (2) of Section 6 of the Bihar Public Land Encroachment Act, 1956 dated 28.02.2020, issued by the Circle Officer, Motihari"

2. At the outset, the learned counsel for the petitioner submits that the *jamabandi* of the land of the petitioner has stood cancelled by an order dated 16.01.2024, passed by the Additional Collector-cum-Additional District Magistrate, East Champaran at Motihari in *Jamabandi* Cancellation Case No. 21



of 2022-23, however, the petitioner has challenged the same by filing an appeal before the learned District Magistrate, East Champaran at Motihari vide Jamabandi Cancellation (appeal) No.39 of 2024, hence the same be directed to be disposed off expeditiously, and till then some protection be granted to the petitioner.

3. *Per contra*, the learned counsel for the respondent-State submits that the aforesaid appeal filed by the petitioner shall definitely be disposed off, within a stipulated time frame, as is directed 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 consider the aforesaid appeal, in accordance with law and pass a reasoned and a speaking order, 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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