

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18266 of 2014**

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1. Aftab Alam son of Bhulan Miyan Resident of village - Gobinpur, P.S. Harshidhi, P.O. Harshidhi, District - East Champaran
  2. Hajari Sah son of Late Sunar Sah resident of village - Harshidhi Bazar, P.S. Harshidhi, P.O. Harshidhi, District - East Champaran
  3. Naresh Kumar son of Tarachandra resident of village - Harshidhi Bazar, P.S. Harshidhi, P.O. Harshidhi, District - East Champaran
  4. Satyadeo Prasad son of Ramlal Sah resident of village - Harshidhi Bazar, P.S. Harshidhi, P.O. Harshidhi, District - East Champaran
  5. Rameshwar Singh son of Jagarnath Singh resident of village - Mankamriya, P.S. Paharpur, District - East Champaran
  6. Nathuni Sah son of Late Dhayani Sah resident of village - Harshidhi Bazar, P.S. Harshidhi, P.O. Harshidhi, District - East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Land, Govt. of Bihar, Patna.
2. The District Magistrate, Motihari, East Champaran
3. The D.C.L.R., Areraj, East Champaran, Motihari
4. The Sub Divisional Officer, Areraj, East Champaran, Motihari
5. The Circle officer, Harshidhi, East Champaran, Motihari

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Rajesh Kumar, Adv. |
| For the Respondent/s | : | Mr. Raghwanand, GA-11 |
|                      |   | Mr. AC to GA-11       |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

5      12-09-2024                      The present writ petition has been filed seeking the following reliefs:-

“1(i). That this is an application for issuance of writ, order or direction/mandamus to the respondent no.2, i.e. the District Magistrate, Motihari and respondent no.5, i.e. the Circle Officer, Harsidhi, East-Champaran, who have,



without giving notice to the petitioners, passed order of demolition of the houses/shops of the petitioners situated at Khata no. 468 and kheshra no. 411.

(ii). A direction may be given to respondent concerned not to disturb the peaceful possession of the petitioners over the said land, which has been settled by the ex- landlord, as such the said land is not public land.”

2. At the outset, the learned counsel for the petitioners seeks a direction upon the Circle Officer, Harshidhi, East Champaran at Motihari, to conclude the proceedings of the pending Encroachment Case No. 50 to 54 and 61 of 2014, as also that of Encroachment Case No. 1 of 2013 and till then seeks some protection during the interregnum period.

3. Having regard to the limited prayer made by the petitioners in the present case, I deem it fit and proper to dispose of the present case with a direction to the Circle Officer, Harshidhi, East Champaran at Motihari, to dispose of the aforesaid encroachment cases, in case the same have not yet been disposed off, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after taking into consideration the objections of the affected parties, if any, within a period of eight weeks of receipt / production of a copy



of this order and till then, no coercive action shall be taken  
against the petitioners.

**(Mohit Kumar Shah, J)**

Ajay/-

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