

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13853 of 2018

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1. Abul Kalam Johari @ Abdul Kalam Johari Son of Late Abul Nirban, Resident of Mohalla- Indira Chowk, P.S.- Bettiah Town, District- West Champaran.
 2. Farid Akhtar, Son of Late Md. Mukhtar, Resident of Mohalla- Hospital Road Bettiah, P.S.- Bettiah Town, District- West Champaran.
 3. Shakil Ahmad, Son of Wakil Ahmad, Resident of Mohalla- Ganj No.2, Bettiah, P.S.- Bettiah Town, District- West Champaran.

... .. 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 Member Board of Revenue, Government of Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, West Champaran, Bettiah.
6. The Superintendent of Police, West Champaran, Bettiah.
7. The Manager, Bettiah Raj, under the court of Ward Office at Bettiah, District- West Champaran.
8. The Bettiah Nagar Parishad through its Executive Officer, Bettiah, West Champaran.
9. The S.D.M., Bettiah, West Champaran.
10. The Circle Officer, Bettiah, West Champaran.
11. The Officer-in-Charge, Bettiah Town Police Station, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumnar Jha, Adv. Mr. Pranav Kumar Jha, Adv. Mr. Ashok Kumar Gupta, Adv. Mr. Chandra Mohan Jha, Adv.
For the Bettiah Municipal Corporation:		Mr. Priyadarshi Matri Sharan, Adv.
For the Bettiah Raj	:	Mr. Shailendra Kumar Singh, Adv. Mr. Utkarsh Utpal, Adv.
For the State	:	Mr. Khurshid Alam, AAG-12 Mr. Arif Siddique, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-09-2024 The present writ petition has been filed seeking the



following relief:-

“1. That this application is being filed for issuance of an appropriate writ/writs and order/orders in the nature of Mandamus for directing and commanding the Respondents not to disturb the physical possession of their shops standing at Plot No.5227, which had been taken from the Bettiah Raj on the basis of perpetual lease agreement and the petitioners have been in peaceful possession of the same since about 25 years and further for a direction to the Respondents to allow the petitioners to retain shops, keeping in view the fact that the action of the Respondents is without resorting to any legal procedure, as provided for under the law as far as demolition of the shops are concerned.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the final order, passed by the Circle Officer, Bettiah Sadar, in connection with Encroachment Case No. 1 of 2016-17, by filing appropriate appeal under the provisions of the Bihar Public Land Encroachment Act, 1956, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

3. It is needless to state that for a period of six weeks from today, no coercive action shall be taken against the petitioners,



in order to enable them to file appropriate appeal and seek interim orders.

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

(Mohit Kumar Shah, J)

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