

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14533 of 2023

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Chandra Shekhar Mishra @ Chander Shekhar Mishra Son of Diwakar Mishra,
Resident of Village-Harnahi Tola Gonaha, P.S.-Raxaul, District-East
Champaran, Motihari.

... .. 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, Motihari.
3. The Addl. Collector East Champaran, Motihari.
4. The Sub-Divisional Officer, Raxaul, District-East Champaran, Motihari.
5. The Circle Officer, Anchal-Raxaul, District-East Champaran.
6. The Circle Inspector, Anchal-Raxaul, District-East Champaran.
7. The Officer in-charge, Raxaul, Police Station Raxaul, District-East Champaran.
8. The Anchal Amin, Anchal-Raxaul, District-East Champaran.
9. Ram Sewak Sah, son of Madan Sah, Resident of Village-Harnahi Tola Gonaha, P.S.-Raxaul, District-East Champaran, Motihari.
10. Sitaram Sah, son of Shivnath Sah, Resident of Village-Harnahi Tola Gonaha, P.S.-Raxaul, District-East Champaran, Motihari.
11. Nathuni Sah, son of Shivnath Sah, Resident of Village-Harnahi Tola Gonaha, P.S.-Raxaul, District-East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-04-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.a) To issue appropriate writ /(s), order /(s),
direction /(s) in the nature of Mandamus or any
other appropriate writ/order for commanding and
directing the respondent Circle Officer, Anchal-
Raxaul, District- East Champaran, Motihari, to*



remove the Encroachment made over the road situated in Aam Gairmajarua land bearing Thana No. 27, Khata No. 9, Khesra No. 1020, Area- 2 Acre and 9 decimal, Mauja- Harnahi, Anchal- Raxaul, East Champaran, which is boundary of private land of petitioner bearing Thana No. 27, Khata No. 13, Khesra No. 1054, Area 5 katha 1 ½ dhur, Mauja- Harnahi, Anchal- Raxaul, East Champaran.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the respondent no.5, i.e. the Circle Officer, Raxaul, District-East Champaran, to take appropriate action under the provisions of the Bihar Public Land Encroachment Act, 1956, pursuant to the final order dated 07.11.2022, passed by the Circle Officer, Raxaul, District-East Champaran, in connection with Encroachment Case No.13 of 2022-23.

3. The learned counsel for the respondent-State submits that appropriate action under the provisions of the Bihar Public Land Encroachment Act, 1956, shall definitely be taken, within a stipulated time frame, in case there is no other legal impediment.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Raxaul,



District-East Champaran, to implement the aforesaid order dated 07.11.2022, by taking recourse to the provisions contained in the Bihar Public Land Encroachment Act, 1956 and in accordance with law, within a period of six weeks of receipt/production of a copy of this order, in case there in no other legal impediment.

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

(Mohit Kumar Shah, J)

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