

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15672 of 2024

Kamlesh sah Son of Sadhu Sah Resident of Village- Patkhauli, Police Station- Gaunaha in the district of West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, West Champaran at Bettiah.
4. The Sub-Divisional Magistrate, Narkatiaganj in the district of West Champaran.
5. The Circle Officer, Gaunaha in the District of West Champaran.
6. Sushil Prasad, Son of Late Nathuni Prasad, Resident of village- Patkhauli, Police Station- Gaunaha in the district of West Champaran.
7. Kundal Prasad, Son of Late Nathuni Prasad, Resident of village- Patkhauli, Police Station- Gaunaha in the district of West Champaran.
8. Kanhaiya Prasad, Son of Late Nahtuni Prasad, Resident of village- Patkhauli, Police Station- Gaunaha in the district of West Champaran.
9. Krishna Prasad, Son of Late Nathuni Prasad, Resident of village- Patkhauli, Police Station- Gaunaha in the district of West Champaran.
10. Kailash Prasad, Son of Late Nathuni Prasad, Resident of village- Patkhauli, Police Station- Gaunaha in the district of West Champaran.
11. Jhotil Sah, Son of Fagu Sah, Resident of village- Patkhauli, Police Station- Gaunaha in the district of West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Respondent/s : Mr.Standing Counsel 4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-10-2024 1. It is the case of the petitioner that the Circle Officer, Gaunaha, District-West Champaran at Bettiah had passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with



Encroachment Case No.02 of 2015-16 on 16.07.2016, whereafter the encroachers had challenged the same by filing an appeal bearing Encroachment Appeal Case No.R.A. 40 of 2023-24, however, the same has been disposed off by the learned Collector, West Champaran at Bettiah by an order dated 16.03.2024, whereby and whereunder he has been pleased to set aside the final order dated 16.07.2016, passed by the Circle Officer, Gaunaha, District-West Champaran at Bettiah and remand the matter back to the Circle Officer, Gaunaha, District-West Champaran at Bettiah for passing a fresh order, after initiating fresh proceeding and issuing fresh notice under Section 3 of the Bihar Public Land Encroachment Act, 1956. By the said order dated 16.03.2024, the Collector, West Champaran at Bettiah has also directed the Circle Officer, Gaunaha, District-West Champaran at Bettiah to pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after granting proper opportunity to the affected persons, within a period of 60 days.

2. The learned counsel for the petitioner submits that till date the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, has not been passed by the Circle Officer, Gaunaha, District-West Champaran at Bettiah, in



connection with Encroachment Case No.02 of 2015-16, hence he be directed to do the needful with regard to compliance of the order dated 16.03.2024, passed by the learned Collector, West Champaran at Bettiah.

3. The learned counsel for the respondent-State submits that the Circle Officer, Gaunaha, District-West Champaran at Bettiah shall definitely pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith, in accordance with law and after hearing the affected parties. It is directed accordingly.

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

(Mohit Kumar Shah, J)

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