

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15999 of 2023**

1. Dineshwar Singh Son of Janak Singh, Resident of Village Bathna, Ward No. 07, Near Hanuman Mandir, P.S- Kesariya, District- East Champaran at Motihari.
2. Sanjay Kumar alias Tuntun Singh, Son of Late Gopaljee Singh, Resident of Village Bathna, Ward No. 07, Near Hanuman Mandir, P.S- Kesariya, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, East Champaran at Motihari.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran at Motihari.
4. The Sub Divisional Public Grievance Redressal Authority, Chakia, East Champaran at Motihari.
5. The DCLR (Land Reforms), East Champaran at Motihari.
6. The Circle Officer, Kesariya, East Champaran at Motihari.
7. Firoz Akhtar, Son of Snaulah Ansari, Resident of Village Bathna, P.O.- Bijdhari, Ward No. 07, P.S- Kesariya, District- East Champaran at Motihari.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Yashraj Bardhan, Adv.

For the Respondent/s : Mr.Sajid Salim Khan ( Sc 25 )

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

3      25-06-2024              The present writ petition has been filed seeking the following relief:-

“1. That the petitioners beseech indulgence of this Hon'ble Court with a prayer for issuance of appropriate writ or writs in the nature of certiorari setting aside the order dt. 20.06.2023 passed in Complaint No. 502510122122201640 dt.



22.12.2022 by the Sub Divisional Public Complaint Redressal Officer, Chakia, East Champaran confirming the action of Circle Officer, Kesariya, East Champaran whereby he had reported through his Letter No. 1138, dt. 12.06.2023 regarding determination of temporary encroachment so caused by petitioners on Mauza Bathna, Thana No. 225, Khesra No. 1414, 1431, 1706, and 1838, and further that he was to take action to remove the same and the Police Force was requested for this purpose which is quite illegal and without jurisdiction as there has not been any encroachment proceedings, neither any notice was served by the Circle Officer to the petitioners and any order determining encroachment is without compliance of the statutory provisions as well as without following the principles of natural justice, and a copy of which order has also not been served to petitioners and thus, the petitioners also seek issuance appropriate writ in the nature of mandamus commanding the respondents, particularly the Circle Officer, Kesariya to produce the order which he reported vide Letter No. 1138, dt. 12.06.2023 and the entire proceedings if any so conducted by him and the Hon'ble Court may be pleased to set aside the same as being illegal, without jurisdiction and against the principles of natural justice.”

2. At the outset, the learned counsel for the Respondent-



State has admitted, by referring to the counter affidavit filed in the present case that no proceeding was ever initiated under the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), however, subsequently a fresh encroachment proceeding, vide Encroachment Case No. 1 of 2024-25, has been initiated and notices have been issued to the encroachers including the petitioners.

3. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections before the Respondent No. 6 i.e. the Circle Officer, Kesariya, District-East Champaran at Motihari, however, seeks some protection during the interregnum period.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file their objections before the Respondent No. 6, in connection with Encroachment Case No. 1 of 2024-25, within a period of four weeks from today, whereupon the Respondent No. 6 shall consider the same and pass the final order under Section 6(1) of the Act, 1956, within a period of four weeks, thereafter and till then, no coercive action shall be taken against the petitioners.

5. Accordingly, the present writ petition stands disposed off



on the aforesaid terms

**(Mohit Kumar Shah, J)**

Ajay/-

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