

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16693 of 2024

Byas Singh @ Vyas Singh Son of Late Bindeshwari Singh, resident of Village-Shahsray, P.S.-Bhairoganj, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Circle Officer, Circle Bagaha-1, P.S.-Bagaha, District-West Champaran.
4. The Officer in Charge, Police Station, Bagaha, District-West Champaran.
5. Nandu Chaudhary, S/o Chathu Chaudhary, resident of Village-Shahsray, P.S.-Bhairoganj, District-West Champaran.
6. Rajkumar Gupta, resident of Village-Shahsray, P.S.-Bhairoganj, District-West Champaran.
7. Bujhawan Chaudhary, S/o Late Sukdev Chaudhary, resident of Village-Shahsray, P.S.-Bhairoganj, District-West Champaran.
8. Nandu Chaudhary, S/o Suba Chaudhary, resident of Village-Shahsray, P.S.-Bhairoganj, District-West Champaran.
9. Chanesh Chaudhary, S/o Late Ramanand Chaudhary, resident of Village-Shahsray, P.S.-Bhairoganj, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar, Adv.
For the Respondent/s : Mr.Gyan Prakash Ojha, GA-7

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-10-2024 1. Though the present writ petition has been filed for removal of encroachment made over the public land situated at Mauza-Shahsray, Thana No.200, appertaining to Khata No.03, Khesra No.15, however, at the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, West Champaran at Bettiah to enforce the final order passed by the Circle Officer, Bagaha-I, District- West Champaran at Bettiah,



under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956'), in connection with Encroachment Case No.6 of 2022-23 and remove the encroachment in question, inasmuch as thereafter, notice under Section 6(2) of the Act, 1956, has also been issued by the Circle Officer, Bagaha-I, District-West Champaran at Bettiah on 08.11.2022.

2. Per contra, the learned counsel for the respondent-State submits that in case there is no other legal impediment, the final order passed by the Circle Officer, Bagaha-I, District-West Champaran at Bettiah, in connection with Encroachment Case No.6 of 2022-23, will definitely be enforced, by taking recourse to the due process of law.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, West Champaran at Bettiah to enforce the final order passed by the Circle Officer, Bagaha-I, District- West Champaran at Bettiah, in connection with Encroachment Case No.6 of 2022-23, forthwith, by taking recourse to the due process of law, in case there is no other legal impediment and the said order passed by the Circle Officer, Bagaha-I, District-West Champaran at Bettiah, under Section 6(1) of the Act, 1956, has



not been annulled by higher Forum/Court of law.

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

(Mohit Kumar Shah, J)

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