

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18665 of 2024

Muni Sah Son of Late Jaymangal Sah, Resident of Village- Diulia, Ghorpakri,
P.S.- Inarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector, West Champaran at Bettiah.
3. The Additional Collector, Revenue, West Champaran at Bettiah.
4. The Sub-divisional Officer, Narkatiyaganj, District- West Champaran.
5. The Land Reforms Deputy Collector, Narkatiyaganj, District- West Champaran.
6. The Circle Officer, Mainatand Anchal, District- West Champaran.
7. The S.H.O., Mainatand Police Station, District- West Champaran.
8. Om Prakash Sah Son of Shiv Shankar Sah, Resident of Village- Diulia, Police Station- Inarwa, District- West Champaran.
9. Sonelal Sah Son of Late Nagina Sah, Resident of Village- Diulia, Police Station- Inarwa, District- West Champaran.
10. Baliram Sah Son of Late Lagani Sah, Resident of Village- Diulia, Police Station- Inarwa, District- West Champaran.
11. Shiv Shankar Sah Son of Late Laxman Sah, Resident of Village- Diulia, Police Station- Inarwa, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashank Chandra
For the Respondent/s : AC to GP-16

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-12-2024 1. Heard learned counsel for the petitioner and learned
AC to GP-16.
2. The learned counsel for the petitioner submits that
the instant writ application has been filed seeking a direction
upon the Respondent No. 6 to carry proper measurement of land
pertaining to Khata No. 145, Khesra No. 164, Thana No. 254



having area of 10 dhurs at village Diulai, P.S. Inarawa, District- West Champaran in terms of the Rule 23 under the Bihar Tenancy Act at the cost of the petitioner and also in accordance with the direction issued by Respondent No. 3 on the representation of the petitioner and other villagers, as despite submitting detailed representation dated 22-10-2024 and 23-10-2024 (Annexure-8 series) to the Respondent Nos. 2 and 6 respectively, no steps have been taken by them to carry proper measurement of the disputed land.

3. The learned counsel next submits that the land pertaining to Khata No. 145, Khesra No. 164, area 9 dhur at village Diulai, Anchal- Mainatand, District- West Champaran is a government land and is being used by the local villagers, including the petitioner for religious purpose since past more than 100 years, as a temple of Goddess Durga is situated over the said land.

4. The learned counsel next submits that the aforesaid government land was encroached by the private respondents for which the villagers, including the petitioner, submitted a representation dated 4-8-2021 (Annexure-1) before the Circle Officer with a request that the encroachment made by the private respondents be removed, but then no action was taken



on the said representation dated 4-8-2021. It is next submitted that petitioner thereafter moved before the District Public Grievance Redressal Officer, West Champaran and the case was registered as Case No. 50110113082104825. It is submitted that in pursuance of the order of the District Public Grievance Redressal Officer, the Respondent No. 6 directed the Anchal Amin to carry measurement of the disputed land, the Anchal Amin got the land measured in collusion with the private respondent and reported that only 3.5 Dhurkies of land has been encroachment by Sheo Shanker Sah, as would manifest from the report of the Anchal Amin dated 4-10-2021 (Annexure-2).

5. It is next submitted that the petitioner thereafter submitted an objection against the report of the Anchal Amin before the District Public Grievance Redressal Officer, West Champaran, but the said Officer closed the proceedings of Case No. 50110113082104825, on the ground that Respondent No. 6 has already initiated Encroachment Case No. 33\2021-22.

6. It is next submitted that when no action was being taken in the Encroachment Case No. 33/2021-22, the petitioner moved before this Court by filing CWJC No. 16571 of 2022, the said writ application was disposed of by an order dated 19-6-2023 (Annexure-5) with a direction upon the Respondent No. 6



to conclude the proceeding of Encroachment Case no. 33/2021-22 within six months after hearing the affected parties.

7. It is next submitted that petitioner accordingly in terms of the order dated 19-6-2023 filed a representation before the Circle Officer, Mainatand, requesting him to carry out the measurement of the land and thereafter the encroachment be removed, but then Circle Officer did not take any steps to remove the encroachment over the public land nor any fresh measurement of land was carried out, hence the petitioner submitted an application before the District Magistrate, West Champaran with a request that the order of this Hon'ble Court be complied. The said application of the petitioner was forwarded by the District Magistrate to the Additional Collector, who in turn forwarded it to the Circle Officer with a direction that measurement of the land be done by 2-3 Amins. It is submitted that despite a specific endorsement made by the Additional Collector upon the application of the petitioner, the Circle Officer sat over the matter.

8. It is next submitted that petitioner had no option but to file MJC No. 2846 of 2023, alleging non-compliance of the order dated 19-6-2023 in CWJC No. 16571 of 2022. It is next submitted that MJC No. 2846 of 2023 was disposed of by



order dated 4-10-2024 (Annexure-7) on the ground that encroachment proceeding has been completed.

9. The learned counsel next submits that when MJC No. 2846 of 2023 was taken up, a specific prayer was made that the entire encroachment over the land in dispute has not been removed nor measurement of the land was done in terms of the order of the Additional Collector, on which this Court while disposing of the contempt application gave liberty to the petitioner to raise all his grievances by approaching the respondent authorities, if the grievance still subsists.

10. The learned counsel submits that accordingly the petitioner, in terms of the liberty granted by the this Court in MJC No. 2846 of 2023, submitted detailed representations dated 22-10-2024 and 23-10-2024 (Annexure-8 series) to the respondent Nos. 2 and 6 respectively, agitating his subsisting grievance, but then no action till date has been taken on the representations of the petitioner dated 22-10-2024 and 23-10-2024.

11. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a direction to the respondent No. 2 to ensure that the representation of the petitioner dated 22-10-2024 and 23-10-



2024 is acted upon by the Respondent No. 6.

12. After hearing the learned counsel for the parties and after considering the submission made by the learned counsel for the State, the writ application is disposed of with a direction to the Respondent No. 2 to ensure that the representation of the petitioner dated 22-10-2024 and 23-10-2024 (Annexure-8 series) is acted upon by the respondent No. 6 within a period of three months from the date of receipt/production of a copy of this order.

13. Accordingly, the writ application is disposed of.

(Satyavrat Verma, J)

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