

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1038 of 2024

Nurain Shekh @ Shekh Nurain @ Shekh Dulain S/o Shekh Jildar, Resident of Village-Inarwa, Pirari, P.S.-Inarwa, Dist.-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector cum District Magistrate, West Champaran at Bettiah.
2. The Collector cum District Magistrate, West Champaran at Bettiah.
3. The Additional Collector, Bettiah, West Champaran.
4. The Sub-Divisional Officer, Narkatiaganj Sub-Division, Narkatiaganj, Dist.-West Champaran.
5. The Circle Officer, Mainatand Block, Mainatand, District-West Champaran.
6. The Officer in Charge, Inarwa Police Station, Inarwa, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Respondent/s : Mr.Government Pleader (18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-05-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.A. For issuance of a writ in the nature of Certiorari or any other appropriate writ, order/s, quashing the notice dated 13.09.2023 issued by the respondent no.5 in Encroachment Case No.06/2022-23 directing the petitioner to remove his residential premises from a piece of land appertaining to Plot No.444/11 falling within Inarwa Mauza under Mainatand Police Station of West Champaran District.

B. For issuance of a writ in the nature of



Mandamus or any other appropriate writ, order/s commanding the respondent for the following:-

I. To treat the Annexure-P/I to this application to be nullity and nonest in the eye of law.

II. To hold that the impugned notice has been issued without following the due procedure of law as envisaged under the Bihar Public Land Encroachment Act hereinafter referred to “the Act”.

III. To supply the petitioner the certified copy of the entire order sheet of the Encroachment Case No.06/2022-23, so that the petitioner may avail the remedy appeal available to him under law.

IV. To restore back the possession of the petitioner over his private land appertaining to Khata No.6, Plot No.454, measuring 1 Katha falling under Mauza-Inarwa, P.S.-Mainatand, District-West Champaran as the petitioner has been dispossessed forcefully from a portion of his private land in the name of removal of Encroachment from the aforesaid public land mentioned in the impugned notice.

V. To compensate the petitioner suitable for the loss caused to him in the name of removal of encroachment from the public land.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to assail the order dated 11.04.2023, passed by the Circle Officer, Mainatand Block,



District-West Champaran, in connection with Encroachment Case No.6 of 2022-23, by filing appropriate appeal however, seeks to use the copy of the said order dated 11.04.2023, which has been furnished in the counter affidavit. Liberty so sought is granted.

3. It is needless to state that in case appropriate appeal is filed by the petitioner, within a period of four weeks from today, the same shall be considered on merits, by the Appellate Authority and disposed off, in accordance with law, by passing a reasoned and a speaking order, forthwith.

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

(Mohit Kumar Shah, J)

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