

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23129 of 2018

1. Saya Devi wife of Late Siryaram Singh.
2. Vashishth Kushwaha son of Late Ram Prasad Kushwaha.
3. Rakesh Kumar @ Rakesh Kumar Singh son of Brij Kishore Singh.
4. Shyamal Chandra Das son of Late Prahlad Chandra Das.
5. Asit Kumar Halder son of Shanti Ranjan Halder.
6. Pradeep Sarkar son of Late Narhari Sarkar.
7. Usha Chatarjee wife of Satyjeet Chatarjee and daughter of Makhanlal Chakraborty.
8. Kashi Nath Ghosh son of Birendra Ghosh.
9. Khokhan Dewanath son of Virendra Dewanath.
10. Amar Dewanath son of Umar Chandra Dewnath.
11. Manoj Kumar Verm @ Manoj Varman son of Mantu Ganpati Varman.
12. Jagarnath Devnath son of Madhusudun Devnath.
13. Gopal Bala son of Vinod Bala.
14. Mohan Das son of Raj Kumar Das.
15. Sudhirschandra Das son of Late Harikrishna Das.
16. Sumati Varman wife of Late Kali Ganga Varman.
17. Jyoti Acharya wife of Hari Dayanand Tiwari @ Hirdyanand Tiwari.
18. Uttam Ghosh son of Late Veesha Ghosh
19. Champa Devi wife of Mukesh Yadav and daughter of Shanti Haldar.
20. Babita Devi wife of Jay Chandra Das.
21. Ashok Haldar @ Ashok Kumar son of Shanti Ranjan Haldar @ Shanti Haldar.
22. Surendra Verman @ Surendra Chandra Verman Son of Deochandra Verman @ Devendra Chand Verman.
23. Pradeep Varman son of Kalichanran Verman.
24. Rajesh Kuamar @ Rajesh Kumar Das son of Ravindra Chandra Das.
25. Dilip Chakraborty @ Dilip Kumar Chakraborty son of Makhan Lal Chakraborty.
26. Naresh Chaki son of Late Kishore Chaki.
All are resident of Mohalla- Sharnarhi Camp, West Hazari Camp, Ward No. 2, Kalibagh, Police Station- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reform Department, Government of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.



3. The Sub Divisional Magistrate, Bettiah Sadar, Police Station- Bettiah Town, District- West Champara
4. The Circle Officer, Circle Bettiah, District- West Champaran at Bettiah.
5. The Officer in Charge, Bettia Town Police Station, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.-7, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha, SC-19
Mr.Atul Sankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-07-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.That this writ application is being filed for issuance of appropriate writ/ writs,order / orders direction/ directions for quashing the order dated 20.10.2018 issued in Encroachment Case .10/92-2005-2006 by the respondent No.4 whereby and whereunder petitioners have been directed to remove their respective houses from the land situated in village Paschim Kargahiya, Thana No. 137 bearing Khata No.2 Khesra No.167.”

2. At the outset, the learned counsel for the respondent-State submits by referring to Annexure-A, to the counter affidavit filed in the present case that the Circle Officer, Bettiah, District-West Champaran, has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 13.08.2016, in connection with



Encroachment Case No.1 of 2016-17 and some of the encroachments have also been removed, hence in case the petitioners are aggrieved, they may file appropriate appeal against the order dated 13.08.2016.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioners to file appropriate appeal, in case they are aggrieved by the order dated 13.08.2016, passed by the Circle Officer, Bettiah, District-West Champaran, in connection with Encroachment Case No.1 of 2016-17, which has not been assailed in the present proceedings.

(Mohit Kumar Shah, J)

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