

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2778 of 2025

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Lalan Prasad Son of Rajendra Prasad, resident of Ward No. 2 Kathaiya,
bisunpura, Baikunthwa, P.S. Jagdishpur, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Bettiah, West Champaran.
3. The Land Reforms Officer, Bettiah, West Champaran.
4. The S.D.O., Sadar Bettiah, West Champaran.
5. The Circle Officer, Nautan, Bettiah, District West Champaran.
6. The Anchal Amin Nautan, Bettiah, West Champaran.
7. The S.H.O. Jageshpur, West Champaran, Bettiah.
8. Mankeshwar Kumar Gupta, Son of Laxman Sah, Resident of Village Kathwya, Bishunpura, P.S. Jagdishpur, District- West Champaran, Bettiah.
9. Markande Sah, Son of Bharat Sah, Resident of Village Kathwya, Bishunpura, P.S. Jagdishpur, District- West Champaran, Bettiah.
10. Ramjit Sah, Son of Late Satnarayan Sah, Resident of Village Kathwya, Bishunpura, P.S. Jagdishpur, District- West Champaran, Bettiah.
11. Manoj Mahto, Son of Late Ramdhin Mahto, Resident of Village Kathwya, Bishunpura, P.S. Jagdishpur, District- West Champaran, Bettiah.
12. Sri Ram Paswan, Son of Ramanand, Resident of Village Kathwya, Bishunpura, P.S. Jagdishpur, District- West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel-4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. The present writ petition has been filed for directing the Respondent nos.2 and 5 to remove the encroachment and stay the construction of the house of the private respondent nos.8 to 12 in Khatiyani land Khata No.141, Khesra No.2428, area 15 Kathha 6 dhur.



3. Learned Counsel for the petitioner submits that he has filed representation, but no action has been taken till date.

4. Learned Counsel for the State raised preliminary objection and submits that for measurement, the petitioner has to approach before the appropriate authority and for encroachment of the land, he has to avail the separate remedy. Counsel further submits that the provision for measurement of land of any person has been laid down under Rule 23 of the Tenancy Rules under the Bihar Tenancy Act, 1885.

5. In this background, this writ petition is hereby disposed off granting liberty to the petitioner to avail his remedy by way of filing application under Rule 23 of the Tenancy Rules under the Bihar Tenancy Act, 1885 within 30 days from today along with the order passed by this Court. The concerned authority shall take steps towards measurement of the petitioner's land upon filing his application under the said rule within 90 days from the date of appearance of all concerned in this case.

(Dr. Anshuman, J)

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