

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11010 of 2025

Bipin Mahto S/o Lakhraj Mahto, Resident of Vill-Gawandra Ward No. 11,
P.S.-Chakia, Distt-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, East Champaran.
3. The Sub-Divisional Officer, Chakia, East Champaran.
4. The Circle Officer, Kalyanpur, East Champaran.
5. Sitaram Thakur, son of Birjunandan Thakur, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
6. Bhagwan Mahto, son of Mohit Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
7. Paras Mahto, Son of Mehilal Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
8. Rakesh Baitha, son of Late Ganesh Baitha, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
9. Nandu, Son of Tufani Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
10. Nandlal, son of Tufani Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
11. Jailal Mahto, son of Tufani Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
12. Bharat Mahto, son of Nathuni Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
13. Prabhu Mahto, Son of Arjun Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
14. Lakhinder Mahto, son of Hardev Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
15. Satyendar Mahto, son of Hardev Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
16. Shambhu Mahto, son of Mehilal Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
17. Kaileshwar Mahto, Son of Sakal Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
18. Ravindar Sharma, Son of Sitaram Sharma, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
19. Gajindar Sharma, son of Sitaram Sharma, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
20. Bhola Mahto, Son of Kaileshwar Mahto, Resident of Village-Gawandra,



P.S.-Chakia, District-East Champaran.

21. Sadhu Mahto, son of Sukan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
22. Harikrishna Mahto, son of Late Buchai Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
23. Chandrika Mahto, son of Dukhan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
24. Amerika Mahto, Son of Dukhan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
25. Chotan Mahto, Son of Sukan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
26. Baldeo Mahto, son of Sukan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
27. Ekbal Mahto, son of Chirkut Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
28. Nawal Mahto, son of Ekbal Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
29. Umesh Mahto, Son of Shiv Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
30. Vikesh Mahto, son of Shiv Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
31. Kishundev Mahto, Son of Ekbal Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
32. Subhash Mahto, son of Chandeo Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
33. Angesh Mahto, Son of Chandeo Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
34. Sumitra Devi, wife of Shiv Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
35. Mahesh Mahto, son of Rajdeo Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
36. Ramesh Mahto, Son of Rajdeo Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
37. Shambhu Sah, son of Nandu Sah, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
38. Raju Sah, son of Nandu Sah, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
39. Sunil Mahto, Son of Harihar Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
40. Harikrishan Mahto, son of Buchai Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
41. Sunil Mahto, son of Buchai Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.



42. Tejnarayan Mahto, son of Bhulekhan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
43. Yogendar Mahto, son of Sanjay Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
44. Anil Mahto, son of Madan Prasad, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
45. Babita Devi, Wife of Shankar Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
46. Gajju Paswan, son of Gorakh Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
47. Bigu Paswan, son of Mishri Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
48. Muntun Sah, son of Naju Sah, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
49. Sonelal Sah, son of Naju Sah, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
50. Anil Mahto, son of Bhikhan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
51. Shambhu Paswan, Son of Chalitra Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
52. Kudis Paswan, son of Chalitra Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
53. Sunil Sah, Son of Bhikhar Sah, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
54. Ramesh Sah, son of Bhikhar Sah, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
55. Mahendar Mahto, son of Bulaki Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
56. Lakhindar Mahto, son of Hardev Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
57. Satyendar Mahto, son of Hardev Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
58. Satyanarayan Sharma, Son of Nawal Kishor Thakur, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
59. Prasad Mahto, son of Lalji Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
60. Sanjeet Paswan, son of Upendar Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
61. Manjeet Paswan, son of Upendar Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
62. Dilip Paswan, Son of Upendar Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
63. Golu Paswan, son of Upendar Paswan, Resident of Village-Gawandra, P.S.-



Chakia, District-East Champaran.

64. Kuldeep Paswan, son of Upendar Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
65. Meghnath Paswan, Son of Janak Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
66. Sadhu Paswan, son of Janak Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
67. Sitaram Mahto, son of Bhajan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
68. Ashrafi Mahto, son of Devki Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
69. Jitendar Mahto, son of Singhasan Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
70. Birendar Paswan, son of Haruni Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
71. Ratan Mahto, son of Mahavir Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
72. Manoj Paswan, son of Gujur Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
73. Jaldhar Mahto, Son of Ganesh Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
74. Shivhar Mahto, son of Ganesh Mahto, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
75. Kavindar Paswan, son of Haruni Paswan, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.
76. Baiju Sah, Son of Dahaur Sah, Resident of Village-Gawandra, P.S.-Chakia, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari, Advocate Mr. Akshay Tripathi, Advocate
For the Respondent/s	:	Mr. Sushil Kumar, GP-22 Mr. K.K.Singh, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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| 2 | 05-08-2025 | <ol style="list-style-type: none"> 1. Heard learned counsel for the petitioner and learned GP-22. 2. Learned counsel for the petitioner submits that petitioner had filed encroachment case being Encroachment Case No. |
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4 of 2023-24 under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred as "Act of 1956") before the Circle Officer, Kalyanpur, East Champaran, for removing encroachment over the land in question in the instant writ application encroached by the private respondents.

3. It is next submitted that the Circle Officer, in accordance with law, passed an order dated 30-8-2023 under Section 6(1) of the Act of 1956, directing the encroachers to remove the encroachment over the land in question, thereafter notice under Section 6(2) of the Act of 1956 were sent to the encroachers, i.e., respondent Nos. 5 to 76, for removing the encroachment from the land in question in the instant writ application.

4. It is submitted that when the order passed by the Circle Officer in the aforesaid encroachment case was not being acted upon, as such the petitioner moved before this Court by filing CWJC No. 4047 of 2024 seeking a direction upon the Circle Officer to comply his own order dated 30-8-2023 in Encroachment Case No. 4 of 2023-24. It is next submitted that this Court by order dated 8-4-2024 (Annexure-P/4 series) in CWJC No. 4047 of 2024 directed the Circle Officer to remove the encroachment as decided by him, if there is no legal impediment for removal of the same.

5. Learned counsel for the petitioner submits that when the the order dated 30-8-2023, despite order passed by this Court dated 8-4-2024 in CWJC No. 4047 of 2024, was not complied with,



the petitioner filed a contempt application being MJC No. 2796 of 2024 alleging violation of the order dated 8-4-2024 in CWJC No. 4047 of 2024. It is next submitted that during pendency of the contempt application, the petitioner was made aware that the private respondents herein have filed Encroachment Appeal No. 89 of 2023-24 before the Collector, East Champaran, Motihari, against the order dated 30-8-2023 in Encroachment Case No. 4 of 2023-24 passed by the Circle Officer. It is further submitted that since the aforesaid encroachment appeal was pending adjudication before the Collector, as such MJC No. 2796 of 2024 was permitted to be withdrawn by an order dated 7-2-2025 (Annexure-P/4 series).

6. It is next submitted that the Collector dismissed the Encroachment Appeal No. 89 of 2023-24 by an order dated 27-9-2024 (Annexure-P/3). It is further submitted that despite order of the Circle Officer in Encroachment Case No. 4 of 2023-24 being upheld by the Collector in Encroachment Appeal No. 89 of 2023-24 by an order dated 27-9-2024, the encroachment has not been removed till date.

7. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a direction to the Circle Officer to implement the order dated 30-8-2023 in Encroachment Case No. 4 of 2023-24, since it has been upheld by the Collector in Encroachment Appeal No. 89 of 2023-24, within a time frame.



8. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Kalyanpur, East Champaran, to ensure that the order dated 30-8-2023 passed in Encroachment Case No. 4 of 2023-24 is implemented in its letter and spirit, since it has been upheld by the Collector in Encroachment Appeal No. 89 of 2023-24, within a period of three months from the date of receipt/production of a copy of this order.

9. It is made clear that if the private respondents have assailed the order of the Collector dated 27-9-2024 in Encroachment Appeal No. 89 of 2023-24, before any appropriate forum, in that event the Circle Officer should await the disposal of the said case, i.e., the encroachment is to be removed only if there is no legal impediment.

(Satyavrat Verma, J)

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