

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11335 of 2016

1. Birendra Yadav son of Harihar Prasad Yadav.
2. Tapa Sahni, son of late Mohar Sahni.
3. Chandeshwar Sahni, son of Harilal Sahni.
4. Munna Tiwary, son of late Baliram Tiwary.
5. Ragho Tiwary, son of late Shiv Nandan Tiwary.
6. Amarjeet Rai, son of Raj Kishore Rai.
7. Hira Sah, son of late Kailash Sah.
8. Raj Kishor Tiwary, son of late Yamuna Tiwary.
9. Premchand Thakur, son of Ram Lochan Thakur.
10. Dinanath Prasad, son of Shambhu Prasad.
11. Kameshwar Rai, son of Bisheshwar Nath Rai.
12. Sipahi Bhagat, son of late Shyam Sunder Bhagat.
13. Shambhu Sah, son of late Jai Lal Sah.
14. Raj Deo Tiwary, son of late Yamuna Tiwary. All are resident of Village-Semuapur, P.S.- Khajuria, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Bihar, Patna.
3. The Secretary, Land Reforms and Revenue Department, Old Secretariat, Patna.
4. The District Magistrate, East Champaran at Motihari.
5. The Circle Officer, Keshariya, East Champaran.
6. The Halka Karmchari-cum-Anchal Nirikshak, Keshariya, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Baxi S.R.P. Sinha, Sr. Advocate Mr. Ramendra Kumar Bharti, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, G.P.-17

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 27-11-2025 Heard learned counsel for the petitioners and the
State.



2. The present petition has been preferred for the following relief/s:

(i) for issuance of an appropriate writ and/or order directing the respondent not to dispossess the petitioners and other persons from the specific plot under the Land Encroachment Case No. 10/2015-2016 without following the due procedure of law. The petitioners further seek quashing of the notices issued to them u/s 6(II) of Bihar Public Land Encroachment Act of 1956, by which they have been called upon to vacate the land within 15 days.

3. The matter relates to khesra no. 174 to 176 and 180 to 182, under mauza-Semuwapur, under Keshariya circle, in the district of East Champaran. The Circle Officer came to the conclusion that 46 encroachers have taken over the said government Sairat land and as such direction was given for issuance of notice in Encroachment Case No. 10 of 2015-16.

4. The claim of the petitioners is/are that pursuant to the notices issued, they submitted their respective show causes, it was not taken into consideration and an order came to be



passed wrongly recording that they chose not to submit any notice.

5. Learned State counsel submits that proper notices were issued, receipt is there, they chose not to file any reply, though the reply was/were received through post but it came only after the order in question came to be passed. The original document/file has been produced before this Court and the Court is unable to either go through the show causes and/or the presence of envelope to which could have supported the case of State respondent, that reply came after the disposal of the aforesaid encroachment case.

6. When the writ petition was filed, it was taken up by coordinate bench on 09.11.2016 and while directing the State to file counter affidavit, interim protection was granted to the petitioners with regard to the said plot.

7. Since the contention of the petitioners have not been successfully refuted by the respondents nor there is any document to support the reply preferred by them in the counter affidavit, the natural recourse will be to remand the matter back to the office of the Circle Officer, Keshariya, East Champaran to take up the Encroachment Proceeding Case No. 10 of 2015-16 once again and dispose it off in accordance with law.



8. The petitioners have approached this Court and as such they will be presenting their respective show causes in next 30 days. If the petitioners/alleged encroachers fail to file their respective show causes within the next 30 days, the Circle Officer, East Champaran can take up the matter and move forward to finally conclude it in accordance with law.

9. Till the order is passed by the aforesaid respondent, the Circle Officer, Keshariya, East Champaran afresh, the interim protection granted on 09.11.2016 to continue.

10. The writ petition is disposed of.

(Rajiv Roy, J)

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