

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12206 of 2025

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Sukesh Kumar @ Sukesh Bhagat Son of Ramsharan Bhagat, Resident of
Village- Bhakhtant, P.S- Chakiya, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The D.C.L.R., East Champaran, Motihari.
4. The Circle Officer, Kalyanpur, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Respondent/s : Mr.Addl. Advocate General (04)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 31-07-2025

Heard the parties.

2. In the instant petition, petitioner has prayed for
the following relief(s):-

1. For issuance of an appropriate writ / writs, order / orders, direction / directions for commanding the respondents to issue Basgit parcha / settled the land in favour of the petitioner bearing Khata no. 153, Khesra No. 1042 area 0.3 decimal upon which ancestors of the petitioner has been residing since 100 years by construct a house. And further direct the respondent to act accordance with the law because petitioner is a landless person. Any other relief or reliefs.



3. Learned counsel for the petitioner has submitted that petitioner is a landless person and comes under the BPL category and ancestors of the petitioners has been residing since 100 years by constructing a house on Khata No. 153, Khesra No. 1042 Area 0.3 decimal. Learned counsel further submits that CWJC No. 1958 of 2025 was filed by another person to remove the encroachment made by the private respondents no. 5 to 15 on government land pertaining to Thana No. 152, Khata No. 153, Khesra No. 1042, Mauza Bakhri, District-East Champaran, Motihari and in the said civil writ jurisdiction case, the present petitioner was made party respondent no. 7. Learned counsel further submits that CWJC No. 1958 of 2025 has been disposed of by a co-ordinate Bench of this Court with direction to the Circle Officer to comply his own order dated 20.02.2023 passed in Encroachment Case No. 22/2022-23, which has been affirmed by the Collector in Encroachment Appeal Case No. 90/2023-24 vide order dated 27.08.2024, if the same has not been stayed by any superior forum within a period of six weeks from the date of receipt/production of a copy of this order. Learned counsel further submits that a house has been built upon the land in question under the scheme of Indira Awas Yojna in the name of mother of the petitioner and if petitioner is



vacated from the land in question, he has no house to live in. He further submits that petitioner filed an application on 28.03.2025 before the Circle Officer, Kalyanpur, East Champaran, Motihari (Annexure-P/2) for redressal of his grievance but same has not been considered as yet. He further submits that petitioner has represented before the District Magistrate, East Champaran, Motihari on 24.04.2025 (Annexure-P/4) for redressal of his grievance but till today no action has been taken by the concerned authority. He further submits that earlier a detailed order has been passed by the District Magistrate, East Champaran vide Gyapank No. 4900 dated 13.09.2024 in Encroachment Appeal Case No. 90 of 2023-24 in which it is stated that if after making enquiry any family is found that he/she is landless then such family shall be provided accommodation.

4. Learned counsel for the State has submitted that petitioner has no grievance in respect of any order passed by any of the authorities, as same is evident from prayer portion of the writ petition and in the light of aforesaid fact, the present writ petition is not maintainable.

5. Be that as it may, for seeking writ of mandamus, there must be a demand before the competent authority. At the



same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

6. Accordingly, the present writ petition stands disposed of as not maintainable.

7. However, disposal of the writ petition would not be hurdle for the petitioner to represent his grievance before the concerned authority. If petitioner submits his representation before the competent authority within four weeks from the date of receipt of this order, the competent authority is directed to hear the grievance of the petitioner and pass order expeditiously, in accordance with law without being prejudiced by order of this Court.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.08.2025
Transmission Date	N.A.

