

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16864 of 2023

Ashik Miyan Son of Late Dukhi Miyan, Resident of Village- Mishrauli Bazar,
Ward No. 10, P.O.- Mishrauli, P.S.- Shanichari, District- West Champaran,
(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Govt. of Bihar, Patna.
2. The Collector -cum-District Magistrate, Bettiah, West Champaran.
3. The Sub-Divisional Officer, Yogapatti, District- West Chamaparan.
4. This Deputy Collector Land Reforms, Yogapatti, District- West Champaran.
5. The Circle Officer, Yogapatti, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Sharma
For the Respondent/s	:	Mr. Md. Khurshid Alam (AAG12)
		Mr. Majid Mahboob Khan, AC to AAG-12
For Intervenor-respondents	:	Mr. Ram Kishun Prasad, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 09-07-2025 Heard the parties.

2. With the consent of the parties, this writ application
is being disposed of at the present stage itself.

3. The petitioner has approached this Court for
quashing the notice dated 10.09.2023 issued by the Anchal
Adhikari, Yogapatti, West Champaran by which the petitioner
claims that he has been asked to vacate the land bearing Thana
No. 97, Plot No. 308, appertaining to Khata No. 6 Rakwa-5 dhur
by 21.09.2023. Further prayer has been made by the petitioner
to restrain the respondents from dispossessing the petitioner.



4. Learned counsel for the respondent-State submits that final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has already been passed on 10.08.2023 by the Circle Officer, Yogapatti as against which the petitioner has a remedy of appeal before the District Magistrate under Section 11 of the said Act. Instead of preferring the appeal, the petitioner is pursuing this writ application which on the face of it, is not maintainable.

5. The submission made learned by learned counsel for the State is not denied by the learned counsel appearing for the petitioner.

6. Considering the fact that the order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has already been passed by the Circle Officer, Yogapatti on 10.08.2023, a remedy of appeal was available to the petitioner under Section 11 of the said Act which the petitioner admittedly has not preferred. This writ application is, therefore, dismissed giving liberty to the petitioner to file an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956 against the order dated 10.08.2023 passed by the Circle Officer, Yogapatti in exercise of power under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 before the District Magistrate,



Bettiah, West Champaran. If such an appeal is filed, the same shall be decided in accordance with law.

7. With the aforesaid liberty granted, this writ application is disposed of.

(Alok Kumar Sinha, J)

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