

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17941 of 2023

1. Dadan Chaudhary @ Dadan Sahani S/O Bindhchal Chaudhary @ Singasan Sahani R/o village Ghogha Malahi P.S. Chanpatiya Dist West Champaran
2. Lalan Chaudhary @ Lalan Sahani S/O Bindhchal Chaudhary @ Singasan Sahani R/o village Ghogha Malahi P.S. Chanpatiya Dist West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Through the District Magistrate West Champaran
2. The Sub Divisional Magistrate Bettiah Sadar West Champaran
3. The Land Reform Additional Collector Bettiah West Champaran
4. The Circle Officer Chanpatiya West Champaran
5. Jaylal Sahni S/o Kailash Sahani R/o Ghoga Malahi P.S. Chanpatiya Dist W. Champaran
6. Rama Sahani S/o Kailash Sahani R/o Ghoga Malahi P.S. Chanpatiya Dist W. Champaran
7. Mogal Sahani S/o Late Baitha Sahani R/o Ghoga Malahi P.S. Chanpatiya Dist W. Champaran
8. Mukesh Sahani S/o Late Ramakant Sahani R/o Ghoga Malahi P.S. Chanpatiya Dist W. Champaran
9. Jawahir Sahani S/o Late Gopal Sahani R/o Ghoga Malahi P.S. Chanpatiya Dist W. Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)
Mr. Birendra Prasad Singh, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-02-2025 1. Heard learned counsel for the petitioners and
learned AC to SC-19.

2. The learned counsel for the petitioner submits that the land pertaining to *Khata* no. 806, *Khesra* no. 3684/2, 3, 6 and 8, area 1.75 acre, Mauza- Ghoga, District- West Champaran was settled in favour of Lalan Chaudhary, Baban Chaudhary,



Madan Chaudhary and Rajan Chaudhary, all sons of Bindhyachal Sahni vide order dated 10-12-1993 in Bandobasti Case No. 38 of 1993-94 by the SDO Bettiah. The land after settlement was demarcated vide Demarcation Case No. 1 of 1999-2000 and possession of the land was given to the petitioners. It is submitted that the private respondents against the settlement had appeared before the Additional Collector, West Champaran by filing Appeal No. 459 of 1994 but the same was dismissed by an order dated 5-2-1996 (Annexure-3). It is submitted that thereafter the private respondents never challenged the order passed by the Additional Collector, Bettiah, West Champaran in Appeal No. 459 of 1994, as such the Bandobasti Case No. 38 of 1993-94 attained finality.

3. It is submitted that petitioners work outside the State for earning their livelihood and in their absence, the private respondents encroached the land of the petitioners hence they filed Operation Dhakhal Dehani Case No. 7 of 2019-20 before the C.O, Chanpatiya for measurement of the land and removal of encroachment. It is next submitted that the Circle Officer accordingly issued notice to the private respondents but they did not appear, as such the encroachment case proceeded. It is next submitted that the Circle officer, Chanpatiya, vide his



order dated 12-3-2020/13-6-2020 allowed Operation Dhakhal Dehani Case No. 7 of 2019-20 holding that the the land has been encroached and thus requested the S.D.O, West Champaran, to provide force for removing the encroachment over the land.

4. The learned counsel next submits that the Circle Officer, despite passing the order dated 12-3-2020/13-6-2020 in Operation Dhakhal Dehani Case No. 7 of 2019-20, has not taken any action. It is further submitted that since no action was taken by the Circle Officer, as such the petitioner represented on 29-4-2022 before the District Magistrate, West Champaran, Bettiah bringing to his notice the order dated 12-3-2020/13-6-2020 in Operation Dhakhal Dehani Case No. 7 of 2019-20 but then no action has been taken.

5. The learned counsel appearing on the State submits that from perusal of the representation submitted before the Collector, West Champaran, it would manifest that the same does not show any receiving as such it might be a possibility that the representation may not be found in the office, on which the learned counsel for the petitioners submits that they will file a fresh representation on or before 17-2-2025.

6. After hearing the learned counsel for the parties,



the writ application is disposed of with a direction to the petitioners to file a fresh representation before the District Collector, West Champaran on or before 24-2-2025, if any application is filed by the petitioners on or before 24-2-2025, in that event, the Collector shall dispose of the same in accordance with law within the period of two months thereafter.

(Satyavrat Verma, J)

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