

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1958 of 2025

Chandra Kishor Prasad S/o- Bhanu Sah @ Manu Sah, Resident of Vill-
Bakhri, Post- Koila Belwa, P.S.- Chakia, Distt- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Revenue Department, Bihar, Patna.
2. The District Magistrate, East Champaran.
3. The Sub-Divisional Officer, Chakia, East Champaran.
4. The Circle Officer, Kalyanpur, East Champaran.
5. Rajeshwar Bhagat Son of Late Ramashish Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
6. Umesh Bhagat Son of Late Ramashish Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
7. Sukesh Bhagat Son of Late Ramashray Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
8. Mukesh Bhagat Son of Late Ramashray Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
9. Rambachan Bhagat Son of Late Paltu Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
10. Ramsharan Bhagat Son of Late Paltu Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
11. Umesh Bhagat Son of late Ganga Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
12. Rajendra Bhagat Son of Late Janakdhari Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
13. Chunnu Sah Son of late Lakhan Sah, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
14. Bhanu Sah Son of Late Lakhan Sah, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.
15. Dasahi Bhagat Son of Late Thakuri Bhagat, Resident of Village- Bakhari, Post- Koila Belwa, P.S.- Chakia, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate.

For the Respondent/s : Mr. Narendra Kumar Singh, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2025

1. Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.



2. The Court is not issuing notice upon the private respondents for reasons to be recorded hereinbelow.

3. The learned counsel appearing on behalf of the petitioner submits that the instant writ application has been filed seeking a direction upon the respondents authorities to remove the encroachment caused by the private respondent nos. 5 to 15 on government land pertaining to Thana No.152, Khata No.153, Khesra No. 1042, Mouza- Bakhri, District- East Champaran. It is next submitted that earlier the father of the petitioner had approached this Court by filing CWJC No.14485/2005 for removal of encroachment over the same land. It is submitted that CWJC No. 14485/2005 was disposed of by an order dated 25.11.2011 (Annexure-P/1) with a direction to the Sub-Divisional Magistrate, Chakiya to look into the matter and to ensure that the public road in question is made encroachment free in its entirety and he shall also take immediate action in accordance with law so that no encroachment remains. The learned counsel next submits that by order dated 25.11.2011 this Court had granted two months time to the Sub-Divisional Magistrate, Chakiya, East Champaran for completing the exercise. It is next submitted that when no action was taken in pursuance of the order dated 25.11.2011 in CWJC No.



14485/2005, as such the petitioner submitted a complaint dated 05.12.2022 (Annexure-P/3) before the Sub-divisional Public Grievance Redressal Officer, Chakiya, East Champaran, in pursuance whereof the Circle Officer, Kalyanpur, East Champaran initiated Encroachment Case No.22/2022-23 and after completing of the procedure allowed the encroachment case by order dated 20.02.2023 (Annexure-P/5 series) whereby the respondent no.5 to 15 were directed to remove the encroachment done illegally by them over the land in dispute as recorded hereinabove. It is next submitted that the respondent no.5 to 15 filed Encroachment Appeal No. 90/2023-24 against the order passed in Encroachment Case No.22/2022-23, after the period of limitation for filing the appeal was over. It is submitted that Encroachment Appeal No. 90/2023-24 has been disposed of by order dated 27.08.2024 (Annexure-9), whereby the Circle Officer, Kalyanpur, East Champaran had been directed to comply the order dated 20.02.2023 passed in Encroachment Case No.22/2022-23.

4. The learned counsel for the petitioner submits that despite there being order for removal of encroachment by the Circle Officer and the same being affirmed in appeal but still the encroachers are on the land and the authorities are sitting tight



over their own order.

5. The learned counsel appearing on behalf of the State submits that there is no pleading to the effect in the writ application that as to whether respondent no.5 to 15 have assailed the order passed in the encroachment case and appeal before a superior forum, on which, the learned counsel appearing on behalf of the petitioner submits that to the knowledge of the petitioner till date no case has been filed by the private respondent no.5 to 15 assailing the order passed in the encroachment case and in appeal.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a 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.

(Satyavrat Verma, J)

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