

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2054 of 2025

Narendra Kumar Son of Rajeshwar Sah, Resident of Village- Kurminiya, P.S.-
Mahuawa, District- East Champaran, Motihari. Petitioner/s

Versus

1. The State of Bihar through the Collector, East Champaran, Motihari.
 2. The Collector, East Chamapran, Motihari.
 3. The Addl. Collector, East Champaran, Motihari.
 4. The Sub-Divisional Officer, Raxaul, District- East Champaran, Motihari.
 5. The Circle Officer, Anchal- Adapur, District- East Chamapran, Motihari.
 6. The Circle Inspector, Anchal- Adapur, District- East Champaran, Motihari.
 7. The Anchal Amin, Anchal- Adapur, District- East Champaran, Motihari.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Respondent/s : Government Pleader (3)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 16-07-2026 Heard learned counsel for the petitioner and

learned counsel for the respondents.

2. The instant writ application has been filed for the
following reliefs:-

*(i) To direct the respondent Circle Officer, Anchal-
Adapur, District- East Champaran, Motihari, to
early disposal of the Encroachment Case
No.26/2023-24, which is pending before him for its
disposal.*

*(ii) To direct the respondent authorities to remove
the encroachment from Gair Majarua Malik/ Aam
Rasta land bearing Thana No.453, Khata No.298,
Khesra No.946, Area-477 decimal approx., Mauza-
Pachpokhariya, which is only way of the petitioner
and co-villagers to go outside his home, for which
the petitioner as well as the people of the locality
gave applications to remove the encroachments,
encroached by the Masuri Rai @ Mofil Rai, Son of
Sukhal Rai and others.*

(iii) To issue any other appropriate writ or writs



under the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that an encroachment proceeding has already been initiated and registered as Encroachment Case No. 26/2023-24, but despite the lapse of considerable time, the same has not yet been brought to its logical conclusion. It is, therefore, prayed that an appropriate direction be issued to the competent authority to conclude the said proceeding within a stipulated time.

4. On the other hand, learned counsel appearing on behalf of the State submits that since the encroachment proceeding is already pending before the competent authority, this Court may issue an appropriate direction for its expeditious disposal after affording due opportunity of hearing to all concerned parties.

5. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this writ application is disposed of with a direction to the Circle Officer, Anchal-Adapur, District-East Champaran, Motihari, to conclude Encroachment Case No. 26/2023-24 expeditiously within a period of three months from the date of receipt/production of a copy of this order, after affording adequate opportunity of hearing to all affected parties.

6. While deciding the proceeding, the Circle Officer



shall satisfy himself, on the basis of the revenue records and other relevant materials, as to whether the land in question is a public land and whether the same is under unauthorized encroachment. If it is found that the land is a public land and has been encroached upon, the competent authority shall pass a reasoned order in accordance with law under the provisions of the Bihar Public Land Encroachment Act, 1956, and communicate a copy thereof to all affected persons, so as to enable them to avail such statutory remedy as may be available in law.

7. It is made clear that, in the event no order of restraint has been passed by any competent Court or authority, the Circle Officer shall proceed to take steps for removal of the encroachment in accordance with law, including issuance of notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, and ensure compliance with the final order passed in the encroachment proceeding.

8. With the aforesaid observations and directions, the writ application stands disposed of.

(Ajit Kumar, J)

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