

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1906 of 2025

Uma Kant Prasad @ Uma Kant Prasad Yadav Son of Late Sakal Prasad Yadav, Resident of Village- Dumari, P.O.- Mahuawa, P.S.-Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, West Champaran.
2. The Additional Collector, Bettiah, West Champaran.
3. The Block Development Officer, Majhauria, District- West Champaran.
4. The Sub-Divisional Officer, Public Grievance Redressal, Bettiah, West Champaran.
5. The Circle Officer, Majhauria, West Champaran.
6. The Officer-in-Charge, P.S.-Majhauria, District- West Champaran.
7. Ram Tapasya Ram, Son of Late Bhutu Ram resident of Village- Dumari, P.O.- Mahuawa, P.S.- Majhauria, District- West Champaran.
8. Bharat Sahni, Son of Dukhan Sahni resident of Village- Dumari, P.O.- Mahuawa, P.S.- Majhauria, District- West Champaran.
9. Surendra Sahni, Son of Mathura Sahni resident of Village- Dumari, P.O.- Mahuawa, P.S.- Majhauria, District- West Champaran.
10. Kapil Sahni, Son of Mathura Sahni resident of Village- Dumari, P.O.- Mahuawa, P.S.- Majhauria, District- West Champaran.
11. Nawal Sahni, Son of Sudama Sahni resident of Village- Dumari, P.O.- Mahuawa, P.S.- Majhauria, District- West Champaran.
12. Ramashray Sahni, Son of Late Gaya Sahni resident of Village- Dumari, P.O.- Mahuawa, P.S.- Majhauria, District- West Champaran.
13. Rameshwar Ram, S/o Late Ambika Ram resident of Village- Dumari, P.O.- Mahuawa, P.S.- Majhauria, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the State	:	Md. Kamil Akhtar, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE VIKASH KUMAR
ORAL ORDER

2 06-07-2026 Heard Shri Prateek Tandon, learned counsel for the petitioner and Md. Kamil Akhtar, learned AC to AAG-5 for the State.

2. The petitioner has prayed for issuance of an appropriate writ order or direction commanding the respondents to initiate a



proceeding against the private respondent under the Public Road Encroachment Act and upon finding the alleged encroachment remove the encroachment from the Public Road including cannal bearing khata no. 416, Khesra No. 958, Thana No. 283, Village-Dumri, Majhaulia, District-West Champaran, the said public road leads from village-Dumri to Bettiah via Rampurwa Mahuawa, which has been encroached by the private respondents due to said encroachment the movement of vehicles has been closed and the petitioner along with other villagers are facing lots of trouble.

3. The writ application was filed on 20.01.2025. No counter affidavit is on record.

4. From perusal of the Annexure -P/7, it appears that the Circle Officer, Majhaulia, West Champaran vide memo no- 329 dated 09.05.2022 has informed the Sub Divisional Officer, Bettiah Sadar, that encroachment over 11.74 acres of land in pursuance of Encroachment Case No. 15/2019-2020 has already been removed on 09.05.2022 with the help of Police Force and in presence of the Magistrate. The petitioner in present writ application disputes with position and the status of land in question and has filed an application on 28.06.2024 before the Public Grievance Redressal Officer, Bettiah, West Champaran, which was dispose of vide order dated 07.09.2024.

5. The petitioner aggrieved by the order preferred appeal before the learned Sub Divisional Officer- cum- First Appellate



Authority vide application dated 23.09.2024. The Learned Appellate Authority vide order dated 19.11.2024 dispose off the appeal.

6. This court finds that the First Appellate Authority in mechanical manner has only reiterated the finding of Public Grievance Redressal Officer, whose finding is based on communication vide memo no.-329 dated 09.05.2022. No enquiry on the application of petitioner was ever conducted in pursuance of representation dated 28.06.2024.

7. Accordingly, order dated 07.09.2024 (Annexure- P/2) and order dated 19.11.2024 are set aside and matter is remanded back to the Circle Officer, Majhauria, West Champaran for fresh consideration of representation dated 28.06.2024 after proper enquiry, in presence of petitioner, within a period of four weeks from the date of order. It is made clear that before passing the order, the Circle Officer is required to give opportunity to the petitioner to represent his side.

8. Accordingly, the writ application is disposed of.

(Vikash Kumar, J)

Rohit/-

U			
---	--	--	--

