

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2680 of 2025**

Binod Paswan Son of Chhathu Paswan, Resident of Village- Sihorawa, P.S.-  
Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, East Champaran, Motihari.
3. The Sub Divisional Officer, East Champaran, Motihari.
4. The Circle Officer, Raxaul, East Champaran.
5. Shiv Lochan Patel son of Late Teja Patel, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
6. Makhu Sahni Son of Butai Sahni, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
7. Bhukhal Patel Son of Shivdhari Patel Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
8. Mina Patel Son of Shivdhari Patel Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
9. Chokat Patel son of Lakshman Patel, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
10. Rajendra Sharma Son of Late Damodar Sharma, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
11. Vinod Sharma Son of Damodar Sharma, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
12. Hira Sahni Son of Late Bhulan Sahni, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
13. Shiv Bachan Patel Son of Teja Patel, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
14. Timal Sahni Son of Late Shital Sahni, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
15. Jung Bahadur Sahni Son of not known Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
16. Inardeo Sahni Son of Harnath Sahni, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.
17. Ramdeo Patel Son of Late Thag Raut, Resident of Village- Sihorwa, P.O.and P.S.- Raxaul, District- East Champaran.

... .. Respondent/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr.Dhirendra Singh, Advocate   |
| For the Respondent/s | : | Mr.Addl. Advocate General (04) |



**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

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

2. The writ petition has been filed for the following  
relief(s) :-

*(i.) To issue a writ in the nature of mandamus or any other appropriate writ / writs, order / orders, direction / directions, for commanding the respondents to remove the encroachment of the land of Durga Mandir situated at village sihorwa bearing Khata no. 83, Khesra No. 547/670 area 01.01.2010 i.e. 2 acre.*

*(ii.) To direct the respondents to remove the encroachment and clear the temple land where on the occasion of Dasherra a fair is being organized every year by the villages for a long period.*

*(iii.) To direct the respondents to act in light of encroachment case no. 19/2023-24 and disposed of the same as early as possible.*

*(iv.) To direct the respondents to remove the private respondent no.5 to 17 who encroached the temple land illegally.*

*(v.) To award any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.*

3. Learned counsel for the petitioner submits that on the repeated applications made by the petitioner, Encroachment Case No. 19/2023-24 was registered under Bihar Public Land



Encroachment Act, 1956 (hereinafter referred to the 'Act of 1956') and notices under Section 3 of the Act of 1956 have also been issued but, till date, for unexplained reason, the further proceedings have not been concluded by passing final order in the aforementioned Encroachment Case.

4. On the other hand, learned counsel for the State submits that proceedings have already been initiated on the basis of application filed by the petitioner and as such the authorities may be directed to conclude the same as notices, to all concerned under Section 3 of the Bihar Public Land Encroachment Act, 1956, have already been issued for taking final decision after concluding the hearing as stipulated under Section 5 of the Act, 1956.

5. Considering the submission of the parties, this Court finds it appropriate to direct the District Magistrate, East Champaran, Motihari to issue necessary direction upon the concerned authorities for initiating appropriate proceeding under Section 3 of the Act, 1956 that notices shall be issued and after giving hearing to all concerned, necessary orders, in reference to the Revenue records, shall be passed, adjudicating the issues raised by the petitioner, and to take a final decision in the matter and in case, the land in question is found to be a public land



under encroachment, the same shall be made encroachment free, by taking all such measures as available in law, within a period of three months.

6. Accordingly, the writ petition stands disposed of.

**(Ajit Kumar, J)**

surya/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

