

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8634 of 2026

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Yogendra Prasad @ Yogendra Sah S/o Late Sitaram Prasad @ Late Sitaram
Sah Resident of Village- Latihanwa, P.S.- Adapur, Anchal- Chhauradano,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Collector-cum-District Magistrate, East Champaran at Motihari.
3. The Sub-Divisional Magistrate, Raxaul, District- East Champaran.
4. The Circle Officer, Chhauradano, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (23)
Mr. Vijay Laxmi Srivastava, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*(i) For setting aside the order dated
25.08.2022 passed by Circle Officer, Chhauradano,
District East Champaran (Respondent No.-4) in
Encroachment Case No.-11/2021-22.*

*(ii) For setting aside the order dated
20.03.2026 passed by the I.d. Collector, East
Champaran at Motihari (Respondent No.-2) in*



Encroachment Appeal No.-41/2022-23.

(iii) For setting aside the subsequent notice dated 03.06.2026 issued under the signature of Circle Officer, Chhauradano (Respondent No.-4) by which the petitioner has been directed to remove encroachment till 18.06.2026 from the land bearing Khata No.-209, Khesra No.-1861 situated in Mauza Bhelwa, Thana No.-168, Anchal Chhauradano, District- East Champaran.

(iv) For direction to the respondent concern not to disturb the physical possession of the petitioners during pendency of this case.

(v) For any other relief(s) for which the petitioners are found to be entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that in order to show his *bona fide*, the petitioner has valid documents but inadvertently, the same could not be produced before the original authority for adjudication of their entitlement and for want of appropriate documents, the impugned order has been passed and they are being sought to be removed from the place where they are residing since 2003 on the basis of registered sale deed with respect to 1.25 decimals of land pertaining to Khata No.261 Khesra No.1861 in favour of Bharat Prasad, full brother of Yogendra Prasad (the petitioner) and by mutual partition, Yogendra Prasad was allotted the said land over which, construction of *pucca* house has been made by this



petitioner and they are living in the said house for the last 23 years.

4. On the other hand, learned counsel for the State submits that no prudent materials were placed before the authorities in order to adjudicate their entitlement and in absence of their being any such revenue records, showing their entitlement, the impugned orders are said to have been passed and there is no perversity in the said order. However, the learned counsel for the State has no objection to the petitioner's contention and if they have valid documents to show before the authorities in getting their rights adjudicated by the revenue authorities, in such event, they have a liberty / remedy under law to file review against the impugned orders.

5. Considering the stand taken by the parties, this Court finds it appropriate to direct these petitioners to avail review before the Collector, East Champaran, by bringing on record all such materials which falls in their favor and as also to justify their entitlement within a period of two weeks from today and in case, such review application is preferred before the Collector, East Chamapran, within a period of two weeks, in such event, the authorities shall maintain status quo till final orders are recorded on the review application preferred by the



petitioner.

6. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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