

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9667 of 2026

1. Gajendra Prasad Yadav son of Late Sitaram Prasad Yadav village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari at present resident of village Koluharwa, P.S.- Motihar, District- East Champaran.
2. Arun Kumar son of Late Sitaram Prasad Yadav resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari
3. Suresh Prasad Yadav son of Yogi Ray resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari
4. Deep Narayan Das son of Late Narsingh Das resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari
5. Ranjeet Das son of Late Khedan Das resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari
6. Subodh Sah @ Subodh Prasad son of Late Anat Sah resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari
7. Lal Babu Prasad @ Lal Babu Prasad Gupta son of late Ram Awtar Sah resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari
8. Kalamuddin son of Late Juman Miyan resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari
9. Umaish Miya @ mohammed Umaish son of Late Jokhan Miyan resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari
10. Munna Sah @ Munna Kumar son of Late Ram Ganesh Sah resident of village- Tola Shikarganj, P.O.- Sirauna, P.S.- Shikarganj, District- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reforms and Revenue Department, Govt. of Bihar.
2. The Collector, East Champaran, Motihari.
3. The Circle Officer, Chiraiya, East Champaran, Motihari.
4. The Circle Amin, Chiraiya, East Champaran, Motihari.
5. Sanjay Prasad son of Late Ramayodhya Sah, resident of village- Shikarganj, Tola Shikarganj, Ward No.- 06, P.O.- Sirauna, P.S.- Shikarganj, District-East Champaran, Motihari.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr.Sunil Kumar
For the Respondent/s : Mr. Manish Kumar, GP (4)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 09-07-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

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

(i) To issue a writ in the nature of certiorari to set aside the order dt. 28.03.2026 passed in Encroachment Appeal No. 144/2025-26 passed by the learned Collector, East Champaran as well as Memo No.160 dt. 01.06.2026 passed by the Circle Officer, Chiraiya, East Champaran, Motihari which has been passed without appreciating the law as well as the facts and ignoring the documents available on records in whim sickle and mechanical manner.

(a) Further commanding and directing the respondents concerned not to disturb the physical possession of the petitioner/demolish the constructed houses of petitioners.

(b) That any other writ/writs, order/orders, direction/directions may be issued as your Lordship may deem fit and proper.

3. The petitioner is directed to make an application
before the Circle Officer, Chiraiya, East Champaran, Motihari
for measurement of land, description of which has already been



referred in para 8. It is the case of the petitioner that the petitioner's private land is being clubbed with Plot No. 1357 and their houses which is constructed over the said land are being sought to be demolished. It is made clear that once such application, with requisite fee for measurement, within a period of two weeks is submitted, necessary measurement shall be carried out by appointing Revenue *Karmachari* in presence of these petitioners and all other persons connected with the said land. And, it is needles to say that, if the petitioners propose to appoint an *amin* from their side, they are permitted to do so, who will assist the Revenue *Karmachari* and also the other parties in getting the measurement of the land.

4. It is expected that the entire work shall be completed within a period of four weeks from the date of application for measurement made by these petitioners. And once the measurement is completed, the public land, which according to the Circle Officer, Chiraiya, East Champaran, Motihari is found to be under encroachment, the Circle Officer, Chiraiya, East Champaran shall be at liberty to make the same encroachment free.

5. The petitioners are directed to provide their WhatsApp number and Mobile number so that appropriate



communication for securing their presence can be ensured by Revenue *Karmachari*, and after securing the presence of the petitioners and other connected persons, the measurement shall be done.

6. Till the measurement is done, status-quo shall be maintained by the parties.

7. With the above observations and directions, the writ petition stands disposed.

(Ajit Kumar, J)

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