

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11359 of 2025

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Mansarim Miyan Son of Late Chokat Miyan, Resident of Machhahan,
Purwari Tola, P.S.-Bhithan, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Land Reforms Deputy Collector, Bagaha, West Champaran.
4. The Additional District Magistrate, Bagaha, West Champaran.
5. The Circle Officer, Bhithan, District-West Champaran.
6. Sabnaam Nesha @ Sabnam Khatoon, wife of Late Ali Asraf, Resident of Machhahan, Purwari Tola, P.S.-Bhithan, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhitabh Kumar, Advocate
For the State	:	Mr. Standing Counsel (8)
For the Resp. No.6	:	Mr. Bimlesh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-04-2026 Heard the parties.

2. The present petition has been preferred for the
grant of following relief(s):

*“(i) for issuance of writ in the nature of
'certiorari' for quashing the order dated
14.05.2025 vide Notice No. 168 issued under the
signature of the Circle Officer, Bhithan, West
Champaran (Respondent no. 5), whereby and
whereunder the petitioner is said to has
encroached upon 1.607 decimal of the land by*



constructing hut, the said land is the share of respondent no. 6. The respondent no. 5, also notify by this notice to remove it within a week, otherwise execution proceeding will be initiated and removal of encroachment will be done forcefully. An application has been filed by the petitioner before the Additional District Magistrate, Bagaha, District West Champaran on 21.05.2025 in which the petitioner stated that during life time of his father his house was built in Mauja Machhahan, khata no. 753, kheshra no. 2720, which is the part of the joint property of the petitioner. The petitioner also stated that a partition suit vide P.S. No. 133 of 2022 is pending before the Court of Sub-Judge, Bagaha, District West Champaran.

(ii) for directing the concerned authority specially respondent no. 5 in the light of Memo No. 202 dated 08.02.2013, order passed by the court of the Commissioner, Tirhut Division, Muzaffarpur. If the matter is pending before the Apex Court, then the executing court



has to wait for execution of the lower court's order. The petitioner has filed the application before the respondent no. 4.

(iii) for further direction to the respondent authority (respondent no. 5) to stop the execution proceeding contained in its notice dated 14.05.2025.

(iv) for other necessary relief/reliefs for which the petitioner is found entitled in the facts and circumstances of this case.”

3. A counter affidavit has come on behalf of the State respondents duly signed by the Circle Officer, Bhithan, West Champaran.

4. Learned State counsel has taken this Court to paragraph no. 7 to show that a report was sought for relating to the land in question and the Halka Karmchari reported that petitioner has made encroachment on the land. Accordingly, notice was issued on 24.03.2025 to the petitioner and the respondent no.6, Sabnaam Nesha @ Sabnam Khatoon to appear before the Circle Officer, Bhithan, West Champaran.

5. Learned counsel for the petitioner submits that they are residing there for decades. All the facts that the petitioner



want to put forward before this Court can very well be presented before the concerned Circle Officer, Bhithan, West Champaran who has issued notice so that an appropriate/reasoned order could be passed by him/her.

6. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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