

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13412 of 2025

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Ajit Kumar Son of Late Abhimanyu Prasad, Resident of Kotwali Chowk,
Ganj No. 1, Mittha Toli, Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar.
2. District Magistrate Cum Collector, West Champaran, Bettiah.
3. Municipal Commissioner, Municipal Corporation, Bettiah, West Champaran.
4. Sub-Divisional Magistrate Cum Sub- Divisional Officer, Bettiah, West Champaran.
5. Circle Officer, Sadar Bettiah, West Champaran.
6. Rinki Devi, Wife of Deepak Kumar, Resident of Shiwala Ghat, Hospital Road, P.S.- Bettiah, District- West Champaran.
7. Deepak Kumar, Son of Nand Kishore Prasad, Resident of Shiwala Ghat, Hospital Road, P.S.- Bettiah, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Shweta Kumarim, Advocate Mr. Dharamnath Pd. Yadav, Advocate Mr. Ranvijay Singh, Advocate Mr. Vikash Kumar, Advocate Mr. Jitendra Kumar, Advocate
For the Respondent/s	:	Mr. Pankaj Kumar, SC (12) Mr. Kamlesh Kishore, AC to SC-12
For the Nagar Nigam	:	Mr. Priyadarshan Matri Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 12-05-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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



“To issue appropriate writ, order or orders, direction 4 or directions to Respondent No. 1, 2, 3 & who are not restraining the Respondent No. 6 & 7, who are illegally encroaching and illegally making construction over the land of Bihar Government situated at Mauza-Bettiah, P.S.- Bettiah Sadar, District-West Champaran, Tauzi No. 951, Thana No. 128, Town Ward No. 17, Khata No. 0, Khesra No. 3917 of total Area 0.28 decimal which is usually used by villagers as common Road (Rasta).

3. Learned counsel for the petitioner submits that the land of Bihar Government situated at Mauza-Bettiah, P.S.- Bettiah Sadar, District-West Champaran, Tauzi No. 951, Thana No. 128, Town Ward No. 17, Khata No. 0, Khesra No. 3917 of total Area 0.28 decimal which is usually used by villagers as common Road (Rasta), is a public land and the same is said to have been encroached by respondent No.7 and under the Right to Information Act (for brevity ‘RTI Act’), the information which was sought from the Municipal Corporation, Bettiah, West Champaran, the Public Information Officer-cum-Deputy Municipal Commissioner, Bettiah, West Champaran, has categorically informed the applicant that the land pertaining to Khesra No. 3917 of total Area 0.28 decimal, which is a “Gairmazarua Malik Land”, is encroached by respondent No.7, namely, Deepak Kumar, and upon having obtained such information from the concerned authority, the petitioner is said



to have made an application before the Circle Officer, Sadar Bettiah, West Champaran, and in spite of such application having been made before the Circle Officer, to initiate encroachment proceeding, the same is till date pending before the same.

4. On the other hand, learned counsel for the State, by referring to Annexure-7, which is an information obtained under the RTI, submits that report too suggests that respondent No.7, is under encroachment, and the concerned authority may be directed to initiate proceeding and such proceedings can be brought to a logical conclusion by issuing notice to all affected parties and by resorting to the provisions of Bihar Land Encroachment Act, 1956.

5. Considering the submissions of the parties, this Court directs the petitioner to file a fresh representation, in continuation of the earlier representation (Annexure-3/1), along with all supporting materials. Upon filing of such representation, the Circle Officer, Bettiah, West Champaran, shall initiate encroachment proceedings and, after affording an opportunity of hearing to all concerned parties and upon ascertaining that the land in question is a public land, with reference to Annexure-7 obtained under the RTI Act, shall



proceed in accordance with law after verifying the information so referred. Thereafter, the persons connected with such encroachment shall also be heard and appropriate adjudication shall be made within a period of three months.

6. In the event, if it is found that the land is under encroachment, a final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall be passed, followed by consequential proceedings under Section 6(2) of the Act for removal of the encroachment and restoration of the land to its encroachment-free status shall be ensured.

7. Accordingly, the writ petition is disposed of.

(Ajit Kumar, J)

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