

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1612 of 2015

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Awadhesh Kumar Singh @ Awadhesh Singh S/o Late Sheodhari Singh,
resident of Village- Aunta, P.S.- Hathidah, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Patna
3. The Deputy Collector, Land Reforms, Barh, District- Patna
4. The Sub-Divisional Officer, Barh, District- Patna
5. The Circle Officer, Mokama, District- Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate

For the Respondent/s : Mr. R.R. K Pandey, SC-29

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-04-2015 Heard Mr. Pankaj Kumar Singh, learned counsel for the

petitioner and Mr. Rajiv Ranjan Kumar Pandey, Standing Counsel

No. 29 for the State.

In the nature of the order that this Court proposes to pass
it would not require filing of a counter affidavit.

The petitioner though has sought to question an order
dated 9.6.2014 passed by the Circle Officer, Mokama in purported
exercise of power as a Collector under the provisions of the Bihar
Public Land Encroachment Act, 1956 (hereinafter referred to as
the 'Act') in Encroachment Case No. 1 of 2003-04, whereby the
petitioner has been charged with encroachment on a public road at
Plot No. 2047 in Mauza Aunta, Circle-Mokama in the District of

Patna.

The complaint of the petitioner is that although he has filed a statutory appeal under Section 11 of the Act which is pending consideration before the District Magistrate, Patna and which fact has also been brought to the notice of the Circle Officer, Mokama vide representation filed on 22.12.2014, a copy of which is placed at Annexure-12, yet he is proceeding for removal of the encroachment and it is only when such announcement was made publicly on a loudspeaker that has prompted the petitioner to move this Court through the present writ petition for grant of ad interim direction until the final disposal of the proceedings.

In my opinion, the interim relief prayed by the petitioner is just and proper and fit to be allowed inasmuch as a copy of the appeal which has been presented by the petitioner during the course of hearing also contains a prayer for stay of the order dated 9.6.2014 passed by the Circle Officer, Mokama but it is only since the hearing of the appeal has been delayed that the interim prayer has not been considered by the District Magistrate, Patna in Encroachment Appeal No. 3 of 2014-15.

In the circumstances, this writ petition is disposed of and the order dated 9.6.2014 passed in Encroachment Case No. 1 of

2003-04 insofar as the petitioner is concerned, shall remain stayed until disposal of Encroachment Appeal No. 3 of 2014-15 pending before the District Magistrate, Patna.

Since this order has been passed in presence of Mr. Pandey, he shall communicate the same to the Circle Officer, Mokama for ensuring compliance.

S.Sb/-

(Jyoti Saran, J)

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