

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7319 of 2017

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Brij Kishor Kumar Son of Late Bindeshwar Paswan R/o Village- Adamban
Punarwas Nandwara P.S. Bairganiya, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary Revenue Department,
Govt. of Bihar.
2. The Collector, Sitamarhi.
3. The Additional Collector, Sitamarhi.
4. The Deputy Collector of Land Reforms, Sitamarhi.
5. The Sub Divisional Officer, Sitamarhi.
6. The Circle Officer, Bairganiya.
7. Rajendra Prasad Singh, S/o Late Sobaran Singh R/o Village- Adamban,
P.S. Bairganiya, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav

For the Respondent/s : Mr. Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-05-2017 Heard learned counsel for the petitioner and
learned G.P.-18 for respondent nos. 1 to 6.

The present writ application has been filed for a
direction to the respondent authorities not to demolish the house
of the petitioner appertaining to Survey Plot No. 138, Chak No.
89 situated in the Village Nandwara under Bairgania Circle in
the District of Sitamarhi.

I.A. No. 4009 of 2017 has been filed for quashing
the notice dated 15.05.2017 issued by the Circle Officer,
Bairganiya, respondent no.6, whereby, 18.05.2017 has been



fixed as the date for removal of the encroachment.

It is submitted by the learned counsel for the petitioner that the encroachment proceeding was initiated vide Encroachment Case No. 97/98 wherein final order was passed on 10.04.2007 by learned Collector, Sitamarhi, respondent no.2 and against the said order, the petitioner preferred appeal vide Appeal No. 88 of 2017 before the Commissioner, Muzaffarpur which is still pending.

It is further submitted that during pendency of the appeal, the issuance of the alleged notice dated 15.05.2017, as contained in Annexure-11, will prejudice the case of the petitioner. Hence, the petitioner confines his prayer to the extent that a direction may be issued for disposal of the appeal and till then status quo as existing today may be maintained.

Learned counsel for the respondent-State submits that he has does not have any objection to such prayer of the petitioner.

Accordingly, the present writ application including I.A. No. 4009 of 2017 is disposed of with a direction to the Commissioner, Muzaffarpur to dispose of the Appeal No. 88 of 2017 within a period of two months.



Till then, the respondent-authorities shall maintain
the status quo, as existing today.

(Dinesh Kumar Singh, J)

Amrendra/-

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