

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12113 of 2018

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1. Sadhu Rai, S/o- Sakaldeo Rai, Resident of Village- Gaura, P.S.- Marhowra, District- Saran at Chapra.
 2. Prabhunath Prasad Yadav @ Prabhu Rai, S/o – Ambika Prasad Yadav, Resident of Village- Gaura, P.S.- Marhowra, District- Saran at Chapra.
 3. Amzad Ansari, S/o- Anwarul Haque Ansari, Resident of Village- Bishunpura, P.S.- Marhowra, District- Saran at Chapra.
 4. Rameswar Rai, S/o- Dhaja Rai, Resident of Village- Usari Kala, P.S.- Marhowra, District- Saran at Chapra.
 5. Visheshwar Pandey, S/o- Ram Jatan Pandey, Resident of Village- Khabasa, P.S.- Marhowra, District- Saran at Chapra.
 6. Janki Sharan Singh, S/o- Late Sahdeo Singh, Resident of Village- Hathisar, P.S.- Marhowra, District- Saran at Chapra.
 7. Ranjeet Kumar Sharma, S/o- Raghubir Sharma, Resident of Village- Gaura Lohar Tola, P.S.- Marhowra, District- Saran at Chapra.
 8. Bhishm Rai, S/o- Chandrika Rai, Resident of village- Gaura, P.S.- Marhowra, District- Saran at Chapra.
 9. Ash Narayan Pandey, S/o- Sukhdeo Pandey, Resident of Ward No.11 Khabasa, P.S.- Marhowra, District- Saran at Chapra.
 10. Vihari Rai, S/o- Thakur Ray, Resident of village- Piprahiya Gaura, P.S. Marhowra, District- Saran at Chapra.
 11. Baliram Das @ Baliram Prasad Das, S/o- Ramchandra Das, Resident of Village- Khabasi, P.S.- Marhowra, District- Saran at Chapra.
 12. Om Prakash Sah, S/o- Awadh Narayan Sah, Resident of Village- Gaura, P.S.- Marhowra, District- Saran at Chapra.
 13. Shahjanaan Ansari, S/o- Rajaque Ansari, Resident of Bishunpura, Gaura, P.S.- Marhowra, District- Saran at Chapra.
- Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Land Reforms Department, Old Secretariat, Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The D.D.C., Saran at Chapra.
4. The Circle Officer, Marhowrah Block, Chapra.
5. The Chairman Zila Parishad, Saran at Chapra.
6. The Chief Executive Officer, Zila Parishad, Saran at Chapra.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.
For the Respondent/s : Mr. Sajid Salim Khan SC-25

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 06-07-2018

Heard Mr. Amresh Kumar Sinha, learned counsel for the
petitioners, Mr. Nitesh Kumar, learned counsel appearing for Zila



Parishad, Saran and Mr. Sajid Salim Khan, learned SC-25 for the respondent-State.

The present writ application has been filed for quashing the notice dated 24.01.2018 issued under the signature of Respondent No. 4, Circle Officer, Marhowrah, in Encroachment Case No. 04 of 2012-13, in Form-II, under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), whereby the petitioners have been directed to remove the encroachment from the land appertaining to Thana No.24, Khata No. 942, Plot No.20, situated in Mauza Gaura, District Saran, by 17.02.2018. In case of non-removal, the same will be removed by deployment of force and the cost of removal will be realized from the petitioners and proceeding under Section 188 of the I.P.C. would be initiated against the petitioners.

It is submitted by Mr. Sajid Salim Khan, learned Standing Counsel No.25 for respondent-State that the impugned notice has been issued under Form-II under Section 6(2) of the Act, after passing of final order in pursuance to order dated 27.04.2017, passed in C.W.J.C. No. 13361 of 2013, whereby this Court directed the Respondent No. 4, Circle Officer, Marhowrah, to conclude the proceeding of Encroachment Case No.04 of 2012-13, within a period of three months after giving due opportunity of being heard to all the affected persons. The notice suggests that the final order has been passed which is appealable under Section 11 of the Act.



In view of the above submission of the learned Standing Counsel No.25, learned counsel for the petitioners seeks permission to withdraw the present writ application to file statutory appeal and further prays that till then the status quo, as is existing today, with regard to the land in question, be maintained.

Accordingly, learned counsel for the petitioners is permitted to withdraw the present writ application with a liberty to file appeal within a period of three weeks of receipt/production of the order with an application for condonation of delay. It is expected from the Appellate Authority to consider the application for condonation of delay and dispose of the appeal within a period of eight weeks of filing of the appeal after giving due opportunity of hearing to all affected persons.

Let, status quo, with regard to land in question, be maintained, for next four weeks.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

