

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9396 of 2019

-
-
1. Praful Chandra Yadav @ Vijay Yadav Son of Late Bhogilal Mandal R/o Moh-Madhubani, P.S.-Bakhtiyarpur, District-Saharsa
 2. Nathan Prasad Yadav Son of Late Kunji Lal Mandal R/o Moh-Madhubani, P.S.-Bakhtiyarpur, District-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna
3. District Magistrate cum Collector Saharsa
4. Sub Divisional Officer Simri Bakhtiyarpur, District Saharsa
5. Circle Officer Simri Bakhtiyarpur, District Saharsa
6. S.H.O. P.S. Simri Bakhtiyarpur, District Saharsa
7. Anil Kumar Gupta Son of Late Turanti Prasad Gupta AT Block Simri, Bakhtiyarpur, Ward No. 5, Nagar Panchayat, Simri Bakhtiyarpur, P.S. Bakhtiyarpur, District Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Respondent/s	:	Mr. Sajid Salim Khan (SC 25)
		AC to SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-05-2019 Heard learned counsel for the parties.

The petitioners are seeking a direction to the Circle Officer, Simri, Bakhtiyarpur, not to demolish the petitioners' house standing over the Plot No. 1716, *Khata* No. 86 situate at Village-Madhuban, P.S. Bakhtiyarpur in the District of Saharsa.

It appears that the private respondent no. 7 had approached this Court by filing a Public Interest Litigation,



seeking a direction for removal of encroachment on the ground that the petitioners' house was standing over a public land. The writ petition under Public Interest Litigation, was disposed of by a Division Bench of this Court by order, dated 18.07.2017, with a direction to the authorities to examine the case as to whether any public land was unauthorizedly encroached.

In compliance of the said order, dated 18.07.2017, as stated in the writ application, the Circle Officer, Simri, Bakhtiyarpur, proceeded with an enquiry, reached a conclusion that the petitioners could not substantiate their claim of any title of settlement in their favour, in respect of land in question and accordingly ordered for removal of encroachment. The petitioners thereafter approached the Collector, Saharsa, against the order passed by the Circle Officer, Simri, Bakhtiyarpur. The District Magistrate by his order, dated 22.02.2019, has also stayed the order of the Circle Officer, Simri, Bakhtiyarpur, dated 22.05.2018, as according to the Collector, the Circle Officer had not inquired into all the facts and circumstances before passing the order. The Collector, Saharsa, by the said order, dated 22.02.2019, has directed the parties to maintain *status quo* to the extent the same related to the portion over which the house of the petitioners is standing.



I fail to understand as to when there is specific direction of the Collector, Saharsa, for maintaining *status quo* after staying the order of the Circle Officer, Simri, Bakhtiyarpur, what grievance the petitioners can have.

Learned counsel for the petitioners submits that under the fear of contempt proceeding for alleged non-compliance of the order passed in writ petition under the Public Interest Litigation, the Circle Officer is taking steps, as has been alleged in the writ application.

I don not intend to comment on such submission. The Circle Officer, Simri, Bakhtiyarpur, is bound by any direction of his superior, which is not contrary to any direction issued by this Court.

This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J.)

Ashish/-

U			
---	--	--	--

