

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12461 of 2019

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Anwar Khan @ Mohammad Anwar Son of Late Mohammad Alam @ Late Mohammad Alam Khan R/o Mohalla-Koeri Tola, P.S. Bettiah Town, District-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Bihar, Patna
2. The Collector West Champaran at Bettiah
3. Sub-Divisional Magistrate Bettiah, District-West Champaran
4. Anchal Adhikari Bettiah Anchal, District-West Champaran
5. The Manager Bettiah Estate, Bettiah, West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma
For the State	:	Mr.Rishi Raj Sinha (Sc19)
For the Respondent No. 5	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2019 Admittedly, against the order dated 7.6.2019 passed under Section 6 of the Bihar Public Land Encroachment Act, 1956 by the Anchaladhikari, Bettiah, West Champaran in Encroachment Case No. 14 of 2018-19, there is provision of appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956, hence, the learned counsel for the petitioner seeks liberty to file an appeal.

Having regard to the facts and circumstances of the case and considering the fact that the authorities are going to demolish the residential house of the petitioner herein, though I grant liberty to the petitioner to file an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956 against the



aforesaid order dated 7.6.2019 before the Collector, Bettiah but then I also deem it fit and proper to direct the authorities to maintain status quo existing as on today with regard to the said property in question for a period of four weeks so that the petitioner can approach the Collector, Bettiah by filing an appeal and interim application for the purposes of grant of interim relief, which shall be decided by the learned Collector, Bettiah within the said time frame.

Accordingly, the writ petition stands disposed of with liberty to the petitioner to file an appeal within one week along with an interim application for grant of interim relief, before the Collector, Bettiah, and the Collector, Bettiah shall first dispose of the interim application of the petitioner, for grant of interim stay regarding demolition of his house, within two weeks of filing of such appeal / application and shall take steps for disposal of the appeal in accordance with law.

It goes without saying that in case, an appeal is filed by the petitioner within one week from today, the Collector, Bettiah shall decide the appeal on merits without being impeded by the issue of limitation.

(Mohit Kumar Shah, J)

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