

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7064 of 2020

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Yogendra Mishra Son of -Late Tej Narain Mishra resident of Village-Satghara, P.S.-Babubarhi, District-Madhubani. Presently residing at Mohalla-Sankatmochan Colony, Ward No.3, Town and P.S. and District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhubani.
2. The Sub Divisional Officer, Madhubani.
3. The Deputy Collector, Land Reforms, Madhubani
4. The Anchaladhikari, Babubarhi, District-Madhubani.
5. The Land Settlement Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Murari Narain Chaudhary, Advocate
For the Respondent/s	:	Mr.Anjani Kumar, AAG

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 14-09-2020 Heard Mr. Murari Narain Choudhary, learned counsel appearing on behalf of the petitioner and Mr. Anjani Kumar, learned Additional Advocate General appearing for the State.

This Court granted indulgence to the petitioner in the peculiar facts of the case notwithstanding availability of the alternative remedy by way of appeal. The interim relief in the nature of status quo was granted to correct the subject-matter of the writ petition as it is evident from the order dated 8.7.2020.

The respondents have maintained status quo and till date they have not interfered with the construction of the petitioner. The order passed in the encroachment case is



appealable one and in view of the above, the writ petition is disposed of with liberty to the petitioner to prefer appeal along with a copy of this order within a period of one month from today.

On filing such appeal, the appellate authority will decide the appeal on its own merit after hearing the parties. The petitioner shall be at liberty to file application for interim protection before the appellate authority who shall appropriately decide the application for interim relief against the order passed in Encroachment Case No. 3/2019-20 at the earliest preferably within a period of one month from the date of filing of appeal. The appellate authority will decide the appeal after hearing all concerned including the private respondent.

Until further orders passed by the appellate authority on the application for interim relief, status quo as is existing today, shall be maintained.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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