

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 12569 OF 2021

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1. Yogendra Yadav .
 2. Ram Pavesh Yadav
 3. Nagendra Prasad @ Nagina Yadav
 4. Surendra Prasad @ Barfi Yadav,

All sons of Late Prayag Narain Yadav, resident of village Bario P.S.
Nardiganj, District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Collector cum District Magistrate, Nawada.
4. The Additional Collector, Nawada.
5. The Circle Officer, Nardiganj, Nawada.

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. D.K. Sinha, Sr. Adv.

For the Respondent/s : Mr. Majid Mahboob Khan, AC to AAG-12.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-09-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The



ition has been filed seeking the

following reliefs:-

(A) To quash letter no. 265 dated 23.06.2021 issued by circle officer, Nardiganj, District Nawada by which a direction has been issued to petitioners to remove encroachment from plot no. 422 and 425 area 0.0701 acre and 0.079 acre respectively whose thana No. 416, Mauza Nanaura Tola Bario till 03.07.2021 failing which on 12.07.2021 encroachment removed forcefully and cost will be recovered to you under relevant section of Bihar Public Land Encroachment Act, 1956.

(B) To restrain the respondents specially Circle Officer, Nardiganj, Nawada, not to take any action to remove encroachment till the final decision of Title Suit No. 336 of 2020 filed by the petitioners and pending in the court of Sub-Judge 1st, Nawada for declaration of title over the land in question vide plot no. 422 area 0.0701 acre and confirm the possession over the same declaring R.S. Khatiyani of the land in question entering as Anabad Serve Sadharan is wrong and illegal.

At the outset, the learned Senior counsel for the petitioners, Shri D.K. Sinha, in presence of the learned counsel for the respondent State, Shri Majid Mahbood Khan, AC to AAG 12, seeks liberty to approach the learned Court of Sub-Judge, Nawada for taking appropriate steps in the pending title suit, filed by 1

earing T.S. No. 336 of 2020, in



order to enable them to seek appropriate interim relief.

Accordingly, the present writ petition stands disposed of as not pressed, however, with liberty to the petitioners to approach the Ld. court of Sub-Judge, Nawada, in the aforesaid pending T.S. No. 336 of 2020, for grant of appropriate interim reliefs.

(Mohit Kumar Shah, J)

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