

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7795 of 2018

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Mahant Sahdev Das @ Sahdev Jamader S/o late Mahavir Das, R/o Township
Rajgir, P.S. Rajgir, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Revenue, Government of Bihar, Patna.
3. The District Magistrate-Cum-District- Collector, Government of Bihar,
Patna.
4. The Sub Divisional Officer, Rajgir, District- Nalanda.
5. The Circle Officer, Rajger, District- Nalanda.
6. The Superintendent of Police, Rajgir, District- Nalanda.
7. The Sub Divisional Police Officer, Rajgir, Nalanda.
8. The Officer-in-Charge, Rajgir Police Station, District- Nalanda.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-09-2022 Though, the present writ petition was filed alleging therein that the private raiyati land of the petitioner is being encroached by the Respondent State, however, the District Magistrate, Nalanda at Biharsharif has filed a counter affidavit, wherein it has been stated that an order u/s 6(1) of the Bihar Public Land Encroachment Act, 1956 was passed against the petitioner declaring him to be an encroacher over the land in question, whereupon he had filed an appeal, however, the same has also stood dismissed.

In such view of the matter, the learned counsel for the



petitioner, realizing the fact that the present case involves disputed question of facts, which can only be decided by a competent civil court having appropriate jurisdiction, seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the competent civil court having appropriate jurisdiction, nonetheless, he submits that some protection be granted to the petitioner, during the interregnum period.

Accordingly, the present writ petition stands disposed off as not pressed, however, with liberty to the petitioner to avail such other alternative remedies as are available under the law including that of filing appropriate suit before the learned civil court having competent jurisdiction. It is needless to state that for a period of four weeks from today, status quo existing as on today shall be maintained qua the plot/ land of the petitioner in question, in order to enable the petitioner to avail appropriate remedy.

(Mohit Kumar Shah, J)

Tiwary/-

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