

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4302 of 2016

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Shiv Kumar @ Shiv Kumar Yadav son of Late Chhota Lal Prasad Yadav
resident of Village and P.O. - Shaban Tola, Chandaaur, P.S. - Saharsa, District -
Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Department of Revenue, Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Saharsa.
4. The Sub-Divisional Officer, Saharsa.
5. The Circle Officer, Sour Bazar, Block - Saharsa.
6. The Superintendent of Police, Saharsa.
7. The Officer-in-Charge, Police Station - Saharsa.
8. Bijendra Yadav
9. Surendra Yadav
10. Kamal Kishore Yadav
11. Ram Pukar Yadav All sons of late Babuji Yadav All residents of Village - Chandaaur, Block Sour Bazar, District Saharsa.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10729 of 2017

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1. Rampukar Yadav S/o Late Babujee Mandal,
 2. Bijendra Yadav, S/o Late Babujee Mandal,
 3. Surendra Yadav, S/o Late Babujee Mandal.
 4. Kamal Kishore Yadav, S/o Late Babujee Mandal, All Resident of Village Post- Chandaaur, P.S.- Saur Bazar, Block- Saur Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Department of Revenue, Bihar, Patna.
2. The Collector-cum- District Magistrate, Saharsa.
3. The Additional Collector, Saharsa.
4. The Circle Officer, Block- Saur Bazar, District- Saharsa.

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 4302 of 2016)

For the Petitioner/s : Mr.Subesh Sharma,Advocate.

For the Respondent/s : Mr.Dr. Anshuman- SC14

(In Civil Writ Jurisdiction Case No. 10729 of 2017)

For the Petitioner/s : Mr.Shashank Shekhar Jha, Advocate

For the Respondent/s : Mr.Sajid Salim Khan -SC 25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 08-09-2022 The first case has been filed for removal of encroachment made by the private respondents over Plot (New) No. 15,405, area measuring 14 Kathas of land of Plot (Old) nos. 1126 and 3312, Khata No. 634 situated at Thana No. 106 of Mauja-Chandaur while the second case has been filed for quashing of the encroachment proceedings, however the respondents- State has filed a counter affidavit in the first case and has informed this Court that an encroachment case bearing Encroachment Case No. 36 of 2012-13 has been initiated but on account of the stay granted in the second case, the same has not been proceeded with.

Having regards to the facts and circumstances of the case and as prayed for by the learned counsel for the petitioners of the second case, liberty is granted to the petitioners of the second case to file appropriate show cause replies/ objections, within a period of 04 weeks from today, in the aforesaid Encroachment Case No. 36 of 2012-13, whereupon, the Circle Officer, Sour Bazar, Saharsa shall consider the same and pass



the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of 12 weeks thereafter.

It is needless to state that for a period of 16 weeks from today, *status quo* existing as on today, shall be maintained, however, consequential action shall be taken upon passing of the final order under Section 6(1) of the Act, 1956 by the Circle Officer, Sour Bazar, Saharsa.

The aforesaid two writ petitions stand disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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