

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12556 of 2021

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Narendra Kumar Singh Son of Ranjit Singh, Village-Baruna, Post-Gramhariya, P.S.-Akorhi Gola, Block/Circle Office-Akorhi Gola, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Circle Officer, Akorhi Gola, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vindyachal Singh, Sr. Adv. Mr. Janmejay Giridher, Adv.
For the Respondent/s	:	Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 29-11-2022 Though the present writ petition was filed for setting aside the notices dated 17.3.2021 and 3.4.2021, issued by the Circle Officer, Akorhi Gola, District-Rohtas i.e. the Respondent No. 4 in connection with Encroachment Case No. 2/2020-21, however, the Respondents have filed a counter affidavit, annexing therein the final order dated 29.9.2021, passed by the Respondent No. 4 in connection with Encroachment Case No. 2/2020-21.

The learned Senior Counsel for the



petitioner, Sri Vindiyachal Singh, has submitted that the aforesaid order dated 29.9.2021, passed by the Respondent No. 4, is cryptic and not in accordance with the scheme of the Bihar Public Land Encroachment Act, 1956, however, he seeks liberty on behalf of the petitioner to challenge the same, by filing appropriate appeal, nonetheless, seeks some protection during the interregnum period.

The learned counsel for the Respondent-State has submitted that in case, appropriate appeal is filed by the petitioner, the same shall definitely be considered and a reasoned and a speaking order shall be passed, in accordance with law, forthwith.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioner to file appropriate appeal against the aforesaid order dated 29.9.2021, passed by the Respondent No. 4 and in case, such an appeal is filed within a period of four weeks from today, the appellate authority shall consider the same on



merits and dispose of the same, by passing a reasoned and a speaking order, in accordance with law and till then, status quo, existing as on today qua the land / house of the petitioner, shall be maintained.

At this juncture, the learned Senior Counsel for the petitioner submits that the petitioner be permitted to use the photocopy of the aforesaid order dated 29.9.2021, as supplied by the Respondent-State along with the counter affidavit, for the purposes of filing appeal. Permission so sought is granted.

(Mohit Kumar Shah, J)

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