

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12769 of 2021

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1. Birendra Kumar Singh Son of Late Pashupati Nath Singh Resident of Mohalla Dahiyawan Tola, Veterinary Hospital Road, Town Chapra, P.O. Chapra, P.S. Chapra Town, District-Saran
 2. Nirmala Sinha @ Nirmala Singh Wife of Birendra Kumar Singh Resident of Mohalla Dahiyawan Tola, Veterinary Hospital Road, Town Chapra, P.O. Chapra, P.S. Chapra Town, District-Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Bihar, Patna.
2. The Principal Secretary, Department of Land Reforms and Revenue, Government of Bihar, Secretariat, Patna.
3. The Principal Secretary, Department of Urban Development, and Housing, Government of Bihar, Secretariat, Patna.
4. The Collector, Saran, Chapra.
5. The S.D.O., Chapra Sadar, Chapra, District-Saran.
6. The C.O. Chapra, Sadar Anchal, District-Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nagendra Rai, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Standing Counsel-25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-06-2022 The present writ petition has been filed seeking the following reliefs:-

“i) Commanding the respondents and particularly respondent nos. 4 to 6 not to damage/demolish any portion of the petitioners’ structures in their holding no. 763 under Ward No. 18, Circle No. 16, situated in Mohalla-Dahiyawan Tola, Town Chapra, District-Saran on the pretext of removing alleged public land encroachment.

ii) Commanding the respondents and particularly



respondent nos. 4 to 6 to initiate appropriate proceeding under the provisions of Bihar Public Land Encroachment Act, 1956, to get measurement done in presence of the petitioners (or their private Amin) and scrupulously adhere to the mandatory provisions of the Bihar Public Land Encroachment Act.

iii) Commanding the respondents to pay Rs. 2,00,000/- (Two lacs) as damages for illegally demolishing part of the boundary wall of the petitioners' holding no. 763 aforesaid."

At the outset, the learned counsel for the petitioner submits that the petitioner be granted liberty to approach the District Magistrate, Saran at Chapra with regard to redressal of his aforesaid grievances, however, during the interregnum period, some protection be granted.

The learned counsel for the respondent-State has got no objection to the aforesaid proposal of the petitioner.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioner to approach the District Magistrate, Saran at Chapra by filing appropriate representation within a period of four weeks from today, which shall be considered, in accordance with law and after taking into account the documents to be filed by the petitioner herein, more particularly the sale deed in



question as also after granting an opportunity of hearing to the petitioner, a final decision shall be taken thereon.

It is needless to state that till a final decision is taken by the learned District Magistrate, Saran at Chapra, status quo existing as on today shall be maintained.

It is also clarified that in case no representation/petition is filed within a period of four weeks' from today, the present order shall stand annulled automatically.

(Mohit Kumar Shah, J)

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