

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9719 of 2022

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Rajiv Kumar Son of Late Dinesh Singh, Resident of Mohalla- In front of Electricity Colony, Bypass Road Sheikhpura, P.S. and District- Sheikhpura (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate cum- Collector, Sheikhpura (Bihar).
2. The District Magistrate cum- Collector, Sheikhpura (Bihar).
3. The Circle Officer, Sheikhpura, District- Sheikhpura (Bihar)
4. The Circle Inspector, Sheikhpura, District- Sheikhpura (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lalan Kumar
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-09-2022 In pursuance to the earlier order of this Court dated 4.8.2022, a supplementary counter affidavit has been filed by the Respondent-State wherein it has been stated that now, the Respondent-State has filed a title suit bearing Title Suit No. 163 of 2022, before the learned Court of Sub-Judge, Sheikhpura for declaring the land in question to be a public land. It is further submitted that the encroachment proceeding initiated by the Circle Officer, Sheikhpura vide Encroachment Case No. 10 of 2003-2004/ 2 of 2019-2020 has already



been concluded and the same has culminated in passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

In such view of the matter, this Court finds that till any declaration is made by the learned District Court in favour of the Respondent-State, the final order passed in the aforesaid Encroachment Case No. No. 10 of 2003-2004/ 2 of 2019-2020 shall not be executed.

It is needless to state that in case, the aforesaid Title Suit No. 163 of 2022, pending before the learned Court of Sub-Judge, Sheikhpura, is not decreed in favour of the Respondent-State, the aforesaid final order passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 shall stand null and void.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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