

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6858 of 2018

1. Shambhu Mukhiya @ Shambhunath Mukhiya and Ors S/o Late Kishundeo Mukhiya.
2. Basanti Devi, W/o Late Lakshmeshwar Mukhiya
3. Amarkant Mukhiya, Son of Late Ayodhi Mukhiya.
4. Biranchi Mukhiya, Son of Late Bhutay Mukhiya.
5. Triveni Mukhiya, Son of Late Ghuran Mukhiya
6. Shebo Mukhiya, Son of Late Ghuran Mukhiya
7. Bhatrugan Mukhiya @ Shatrughan Mukhiya, Son of Late Bambholi Mukhiya.
8. Gonar Mukhiya,
9. Saini Mukhiya, both son of Late Thakay Mukhiya
10. Arvind Mukhiya, Son of Bindeshwari Mukhiya,
11. Vikas Mukhiya @ Bikan Mukhiya, Son of Late Ghuran Mukhiya.
12. Sakhiya Devi, Wife of Bhavesh Mukhiya.
13. Madan Mukhiya, Son of Late Kitay Mukhiya @ Killat Mukhiya.
14. Kumod Mukhiya,
15. Samar Mukhiya, both son of Mahaveer Mukhiya.
16. Bhikho Mukhiya.
17. Bindeshawari Mukhiya, Son of Late Dhalay Mukhiya,
18. Nand Lal @ Nand Lal Mukhiya null null
19. Nand Kishor, @ Raj Kishore Mukhiya, both son of Late Dular Chandra Mukhiya, All resident of Village- Jhintki Post and Police Station and Circle- Mahishi, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Public Grievance Redressal Officer, Saharsa office at Vikash Bhawan Office of Public Grievance Redressal, Saharsa
3. Circle Officer, Mahishi at Circle Office Mahishi District Saharsa.
4. Raja Ram Mukhiya, S/o Sri Dasrath Mukhiya, Resident of Village- Jhintki, Post and Police Station and Circle- Mahishi, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Respondent/s : Mr. Subodh Kr. Mishra, AC to GP-14

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

3 02-08-2022 Though the present writ petition has been filed seeking quashing of the notice dated 19.03.2018 passed in Encroachment Case No. 1 of 2016-17 issued to the petitioners, however, it is the submission of the learned counsel for the petitioners that without passing any final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the Circle Officer, Mahishi i.e. the respondent no. 3 is seeking to remove the alleged encroachment forcibly despite the fact that the petitioners have got an interim injunction vide order dated 15.11.2021 passed in Civil Miscellaneous Appeal No. 2 of 2018, by the learned District Judge, arising out of Title Suit No. 504 of 2016, pending before the learned Court of Sub-Judge-1, Saharsa, hence it is submitted that the petitioners be granted opportunity to approach the respondent no. 3 by filing appropriate objection/reply, bringing to his notice the aforesaid facts so that the respondent no. 3 can take appropriate decision, in accordance with law.

The learned counsel for the respondent-State submits that the State-respondents do not have any objection to the aforesaid proposal of the learned counsel for the petitioners.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to



the petitioners to file appropriate objection/reply to the aforesaid notice dated 19.03.2018 bringing to the notice of the respondent no. 3 the aforesaid facts, whereupon the respondent no. 3 shall take appropriate decision, in accordance with law.

It is needless to state that till the respondent no. 3 takes a final decision in the aforesaid encroachment case No. 1 of 2016-17, status quo existing as on today, shall be maintained.

(Mohit Kumar Shah, J)

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