

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4138 of 2018

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Binay Kumar Gupta S/o Late Gupteshwar Kumar Gupta, Resident of
Mohalla- Satsang Nagar, AtP.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Deputy Collector of Land Reforms, Sherghati.
4. The Deputy Development Commissioner-cum-Chief-Executive Officer, Sherghati, Gaya.
5. The Block Development Officer, Sherghati.
6. The Circle Officer, Sherghati, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prakritita Sharma, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha- SC 19
	:	Mr. Atul Shankar, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 09-11-2022 Though the present writ petition was filed for quashing the entire proceedings pertaining to Encroachment case no. 56 of 2012-13, initiated by the Circle Officer, Sherghati, Gaya i.e. the respondent no. 6, however, the respondents have filed a counter affidavit, wherein they have stated that the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has already been passed by the respondent no. 6 on 30.08.2012.

Per contra, the learned counsel for the petitioner has pointed out that the petitioner has already preferred a Title Suit



qua the land in question bearing T.S. no. 104 of 2012, which is pending adjudication before the learned court of Munsif, Sherghati, Gaya and in the said suit, in which the respondents- State and Zila Parishad, Gaya are also party-defendants, the learned court below has already granted an order of *status quo* with regard to the nature of the suit land till further orders, by an order dated 17.02.2014.

In such view of the matter, the learned counsel appearing for the respondents seeks liberty on behalf of the respondents to approach the learned court below for vacating the aforesaid order of *status quo* granted by the learned court below vide order dated 17.02.2014. Liberty so sought is granted.

It is needless to state that till the disposal of the aforesaid Title Suit no. 104 of 2012 or till the aforesaid order dated 17.02.2014 loses its efficacy, the petitioner shall not be disturbed/ evicted from the land in question.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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