

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10733 of 2022

1. Ahilya Devi Wife of Late Rajnandan Chaudhary, Residence of Village and Post- Bhadian, P.S.- Pupri, District- Sitamarhi at present Mohalla Singiyahi Road, Pupri Bajar, P.O.- Janakpur Road, P.S.- Pupri, District- Sitamarhi.
2. Bashishth Narain Sah S/o Kuldip Sah, Residence of Village- Rampur/Harpur, Post Pokharbhira, P.S. Pupri, District- Sitamarhi at present Mohalla Singiyahi Road, Pupri Bajar, P.O.- Janakpur Road, P.S.- Pupri, District- Sitamarhi.
3. Ramjatan Shah S/o Late Chulhai Sah, Residence of Mohalla- Singiyahi Road, Pupri Bajar, P.O.- Janakpur Road, P.S.- Pupri, District- Sitamarhi.
4. Nand Kishor Sah S/o Late Bhola Sah, Residence of Mohalla Baniya Toli, Pupri Bajar, P.O. Janakpur Road, P.S. Pupri, District- Sitamarhi.
5. Radhe Shyam Gupta S/o Late Sitaram Sah, Residence of Mohalla Singiyahi Road, Pupri Bajar, P.O.- Janakpur Road, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Sitamarhi.
4. The Sub Divisional Magistrate, Pupri, District- Sitamarhi.
5. The Circle Officer, Pupri Anchal, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-08-2022 In pursuance to the earlier order of this

Court dated 5.8.2022, a counter affidavit has been

filed by the Respondent-State, which is taken on



record.

Though the present writ petition was filed for quashing the proceedings pertaining to Encroachment Case No. 1/2020-2021, initiated by the Circle Officer, Pupri Anchal, Sitamarhi i.e. the Respondent No. 5, however, from the counter affidavit filed by the State today, it has transpired that the Respondent No. 5 has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 21.6.2022 and held the petitioners to be encroachers of the public land, hence, the learned counsel for the petitioners prays that the petitioners be granted liberty to challenge the aforesaid order dated 21.6.2022 by filing appropriate appeal.

Having regard to the facts and circumstances of the present case, the present writ petition stands disposed of with liberty to the petitioners to file appropriate appeal, challenging the aforesaid order dated 21.6.2022, passed by the Respondent No. 5 and in case, appropriate appeal is filed within a period of four weeks from today, no



coercive action shall be taken against the petitioners till the disposal of the said appeal, to be filed by the petitioners.

(Mohit Kumar Shah, J)

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