

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18061 of 2021

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1. Amanullah Khan son of Bismillah Khan, resident of Momin Tola, Maszid Chauk, Ward No. 9, P.S. Madhubani Town, District Madhubani.
 2. Samiullah Khan, Son of Bismillah Khan, resident of Momin Tola, Maszid Chauk, Ward No. 9, P.S. Madhubani Town, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer (Sadar), Madhubani.
4. The Deputy Collector, Land Refom, Sadar, Madhubani.
5. The Circle Officer, Rahika, District Madhubani.
6. Bhagwan Mishra, Son of Late Harishchandra Mishra, resident of Village Balha North, P.S. Raj Nagar, District-Madhubani.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20110 of 2021

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1. Shambhu Purvey Son of Late Mahabir Purbey Resident of Village Suratganj, P.S. - Rahika, District- Madhubani.
 2. Md. Habib Son of Late Kasim Ali Resident of Village Suratganj, P.S. Rahika, Distt. Madhubani.
 3. Nasima Khatoon Wife of Rahmat Ali Resident of Village - Dhobia Tola, P.S. Madhubani Town, District - Madhubani.
 4. Pankaj Mahto @ Pankaj Kumar Mahto Son of Shiv Kumar Mahto Resident of Village - Dhobia Tola, P.S. - Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
3. The Director, Department of Land Reforms and Revenue, Government of Bihar, Patna.
4. The Divisional Commissioner, Darbhanga Division, Darbhanga.
5. The Collector, Madhubani, District- Madhubani.
6. The Additional Collector, land Reforms, Sadar Madhubani, District - Madhubani.
7. The Deputy Collector, Land Reforms Sadar Madhubani, District-



Madhubani.

8. The Circle Officer, Rahika (Madhubani), District- Madhubani.
9. Amanullah Khan Son of Bismillah Khan Resident of Village Momin Tola Ward No. 7, P.S. - Rahika, District- Madhubani.
10. Bhagwan Mishra Son of Late Harish Chandra Mishra Resident of Village - Balha (north), P.S. Rajnagar, District- Madhubani.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 18061 of 2021)

For the Petitioner/s : Mr.Anuj Kumar,Advocate

For the Respondent/s : Mr.Sajid Salim Khan,SC-25

(In Civil Writ Jurisdiction Case No. 20110 of 2021)

For the Petitioner/s : Mr.Ratanakar Jha,Advocate

For the Respondent/s : Mr.Sajid Salim Khan,SC-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-11-2022

The petitioners of the first case are stated to be the erstwhile owners/vendors of the land in question with regard to which the Circle Officer, Rahika, District-Madhubani, has passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, (hereinafter referred to as the “Act,1956”) in connection with Encroachment Case No. 04 of 2021-22, holding them to be encroachers, while the petitioners of the second case are the purchasers/vendees of the land in question.

The learned counsel for the petitioners of the first case has at the outset, submitted that since the petitioners have already preferred an appeal bearing Appeal No. 53 of 2021-22, before the Ld. Court of Collector, Madhubani, against the final order passed by the Circle Officer, Rahika, District-Madhubani,



in connection with Encroachment Case No. 4 of 2021-22, the same be directed to be expedited and in the mean time some protection be granted to the petitioners, qua the land/house in question.

The learned counsel for the respondent-State, fairly submits that the aforesaid appeal, if the same is still pending, shall be expedited and disposed off within a stipulated time frame.

Accordingly, the Appellate Authority is directed to dispose off the aforesaid pending appeal within a period of 12 weeks from today, till which time no coercive action shall be taken against the petitioners of both the aforesaid cases, for the purposes of evicting them from their land/house in question.

At this juncture, the Ld. Counsel for the petitioners of the second case seeks liberty on behalf of the said petitioners to join the proceedings of the aforesaid appeal by intervening therein. Liberty so sought is granted.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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