

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14432 of 2022

1. Ramakant Sah @ Ramakant Gond Son of Tapesar Sah Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
2. Rajendra Yadav @ Rajend Chaudhary, Son of Jhagaru Yadav Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
3. Bhola Yadav, Son of Ramrup Chaudhary Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
4. Vriksha Chaudhary, Son of Hari Chaudhari Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
5. Mala Devi, Wife of Late Lakshaman Sah Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
6. Lakshman Chaudhary @ Lakshuman Chaudhary, Son of Ramswaroop Chaudhary Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
7. Musatafa Miyan @ Mustufa Miyan, Son of Kashim Miyan Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
8. Nijamudin Miya @ Nijamudin Ansari, Son of Tafajul Miya Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
9. Hasmudin Ansari, Son of Munshi Ansari Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
10. Ish Mohammad Ansari @ Ish Mahammad Ansari, Son of Late Alizan Ansari Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
11. Hukumadar Miyan @ Hukum Dar Miyan, Son of Chanu Miya Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
12. Mainudin Miyan @ Mainudin Ansari, Son of Manshi Miyan Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
13. Idrish Ansari, Son of Raj Mohammad Ansari Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
14. Ajima Khatun, Wife of Id Muhamad Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan



Muffasil, (O.P. Dhanauti), District- Siwan.

15. Chashamuddin Ansari @ Yashmuddin Ansari, Son of Alagu Ansari Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
16. Nasaruddin Miyan, Son of Jamdar Miyan Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
17. Asha Muhamad @ Ash Mahamad, Son of Sudheli Miyan Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
18. Ali Asraf, Son of Makbul Ansari Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
19. Abdulah, Son of Nijamudin Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
20. Imamuddin Ansari, Son of Kadam Rasul Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
21. Hasbullah Ansari @ Habibullah Ansari, Son of Sahid Ansari @ Ajim Ansari Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
22. Mohammad Sabir Hussain @ Sabir Miyan, Son of Gulamahamad Miyan Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
23. Shamshad Ansari, Son of Munshi Miyan Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.
24. Baharan Ansari, Son of Mahmuddin Ansari Resident of Village- Bharthuai, P.O.- Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S.- Siwan Muffasil, (O.P. Dhanauti), District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary/Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary/Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector cum District Magistrate, Siwan.
4. The Sub Divisional Officer, Siwan Sadar, Siwan.
5. The Circle Officer, Siwan Sadar, District- Siwan.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.
Mr.Arvind Kumar, Adv.
Mr. Kumar Rajdeep, Sr.
For the Respondent/s : Mr.Rishi Raj Sinha, SC-19
Mr. Atul Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-11-2022 The learned Senior Counsel for the petitioners has, at the outset, submitted that the petitioners have already preferred appeal before the Appellate Authority against the final order passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No. 5/2016-17, hence, the impugned notice dated 20.9.2022, issued by the Circle Officer, Siwan Sadar, be made enforceable, subject to the final outcome of the appeal, filed by the petitioners.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned Senior Counsel for the petitioners as also by the learned counsel appearing for the Respondent-State and the learned counsel appearing for the proposed intervenor, I deem it fit and proper to direct the



Appellate Authority to dispose of the pending appeal, filed by the petitioners, within a period of eight weeks from today.

It is needless to state that till disposal of the appeals, as aforesaid, status quo, existing as on today qua the land / house of the petitioners in question, shall be maintained, however, the said protection shall not be available to those petitioners, who have not preferred any appeal.

The writ petition stands disposed of with the consent of the parties, on the aforesaid terms.

(Mohit Kumar Shah, J)

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