

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15563 of 2022

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Sushil Kumar Mahto S/o Basudeo Mahto, R/o Village- Kiratpur, P.O.- Isapur,
P.S. and Block- Bhagwanpur, District- Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, Begusarai, Bihar.
3. The Block Development Officer, Bhagwanpur, District- Begusarai, Bihar.
4. The Circle Officer, Bhagwanpur, District- Begusarai, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (SC 25)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 18-11-2022 Petitioner has prayed for the following relief(s):

“(i) For issuance of a writ in the nature of Certiorari for quashing Order dated 12.02.2020 passed by Id. Circle Officer in Encroachment Case No. 13/2019-20 whereby and whereunder the respondent no. 4 without giving an opportunity of hearing to the petitioner hold that (1) Shri Shiv Shankar Mahto, (2) Shri Sanjay Mahto, (3) Shri Siyaram Mahto, (4) Shri



Tuntun Mahto, (5) Shri Krishnadev Mahto, (6) Shri Kaltar Mahto, and (7) Shri Saryu Mahto have encroached upon the land bearing Khata No. 739 Khesra No. 1838 under Mauza Kiratpur P.S. Bhagwanpur, Circle Office Bhagwanpur and directed them to vacate the same on or before 05.08.2022.

(ii) During the pendency of the present writ petition the operation of the impugned order dated 12.06.2020 may be stayed.

(iii) Any other writ/writs, order/orders or direction/directions as the facts and circumstances of the case may require and deemed fit by this Hon'ble Court may also be issued."

Learned counsel for the petitioner states that he shall prefer an appeal under the Bihar Public Land Encroachment Act, 1956. The only apprehension being that, perhaps, the Appellate Authority may not pass any order granting interim protection. It is further pointed out that the building in question stood constructed on the asking of general public and was funded from the public funds earmarked for development under various schemes of the Government, be it Central Government or State Government.

We do not express any opinion thereupon, save and except hope and expect the Appellate Authority to positively



decide the application, including the one seeking interim protection, at the earliest.

Needless to add, liberty reserved to the petitioner to approach this Court, should the need so arise subsequently.

Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

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