

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5396 of 2018

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1. Shambhu Sah
 2. Rambhu Sah
 3. Lallan Sah
 4. Saryug Sah All are sons of Babu Lal Sah Resident of Village- Parsauni, Murli tola, Madhiya, Police station- Balthar, District- West Champaran.

... .. 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, West Champaran at Bettiah.
3. The Sub Divisional Magistrate , Narkatiaganj, District- West Champaran,.
4. The Circle Officer, Sikta Circle, District- West Champaran.
5. The Circle Inspector, Sikta Circle, District- West Champaran.
6. The Officer in Charge, Sikta Police Station, District- West Champaran.
7. Suman Pandit Son of Fagu Pandit Resident of Village- Parsauni, Murli tola, Madhiya, Police station- Balthar, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.-7, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam- AAG 12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-09-2022 Though the present writ petition has been filed for quashing the encroachment proceedings, initiated by the Circle Officer, Sikta Circle, District- West Champaran i.e. the respondent no. 4, in connection with Encroachment case no. 09 of 2017-18, however, the respondent- State has filed a counter affidavit, wherein the entire order sheet of the aforesaid Encroachment case no. 09 of 2017-18 has been annexed which, however does not depict that any final order under Section 6(1) of the Bihar Public land Encroachment



Act, 1956 (hereinafter referred to as “the Act, 1956”) has been passed. In such view of the matter, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the respondent no. 4 in the aforesaid encroachment case, by filing appropriate objection/ show cause reply, within a period of four weeks from today, however, seeks some protection during the interregnum period.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off, however, with liberty to the petitioners to file their objection/ show cause reply, within a period of four weeks from today, before the respondent no. 4, whereupon the respondent no. 4 shall pass appropriate orders under Section 6(1) of the Act, 1956, within a period of 12 weeks, thereafter.

It is needless to state that for a period of 16 weeks from today, *status quo* existing as on today *qua* the plot/ house in question, shall be maintained.

At this juncture, the learned counsel for the private respondent no. 7 seeks and is granted liberty to place his stand before the respondent no. 4.

(Mohit Kumar Shah, J)

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