

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.980 of 2023

1. Rinku Devi Wife of Deepak Rai Resident of Ward No.-05, Village- Daniyalpur, P.O. and P.S.- Teghra, District- Begusarai.
2. Deepak Rai, Son of Late Charitra Rai Resident of Ward No.-05, Village- Daniyalpur, P.O. and P.S.- Teghra, District- Begusarai.
3. Popal Mahto @ Pop Mahto, Son of Lakhan Mahto Resident of Ward No.-06, Village- Daniyalpur, P.O. and P.S.- Teghra, District- Begusarai.
4. Sheoji Choudhary, Son of Jiv Choudhary Resident of Ward No.-17, Nagar Panchayat, Village- Daniyalpur, Mahavir Asthan, P.O. and P.S.- Teghra, District- Begusarai.
5. Jagdish Prasad Agrawal, Son of Banarsi Das Resident of Ward No.-17, Station Road, Village- Daniyalpur, P.O. and P.S.- Teghra, District- Begusarai.
6. Amit Kumar @ Amit Sah, Son of Doman Sah Resident of Ward No.-17, Village- Daniyalpur, P.O. and P.S.- Teghra, District- Begusarai.
7. Kanhaiya Kumar, Son of Laxmi Narayan Ray Resident of Village- Gaura-1, P.O. and P.S.- Teghra, District- Begusarai.
8. Uma Shankar Singh, Son of Sukhdeo Singh Resident of Village- Daniyalpur, P.O. and P.S.- Teghra, District- Begusarai.
9. Ram Uday Singh, Son of Yugal Singh Resident of Village- Daniyalpur, P.O. and P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Revenue, Patna Bihar.
2. The Chief Secretary, Govt. of Bihar, New Secretariat, Patna.
3. The Principal Secretary, Department of Land Revenue Patna Bihar.
4. The Collector, Begusarai.
5. The Additional Collector, Begusarai.
6. The Deputy Collector Land Reforms, Begusarai.
7. The Circle Officer, Teghara, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narayan Sahi, Sr. Advocate Mr. Radha Mohan Pandey, Advocate Mr. Chandra Shekhar Verma, Advocate
For the Respondent/s	:	Mr. Atul Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER



2 24-01-2023 Heard Mr. Pushkar Naryan Sahi, learned Senior Counsel along with Mr. Radha Mohan Prasad, learned counsel appearing on behalf of petitioners and Sri Atul Shankar, learned AC to SC-19 for the State.

Mr. Pushkar Narayan Sahi, learned Senior Counsel for the petitioners at the outset restricted his prayer that he may be permitted to withdraw the present writ petition with liberty to file application before the Collector, Begusarai against notice dated 14.10.2022 in connection with Encroachment Case No. 01 of 2021-22. He further submitted that a protection may be granted to the petitioner that till his application filed under Section 14 of the Bihar Public Land Encroachment Act (in short the Act) is finally disposed of by the Collector, Begusarai in accordance with law.

In view of the above submission made on behalf of the petitioner, the District Magistrate, Begusarai is directed to consider the application filed by the petitioner under under Section 14 of the Act after giving proper opportunity of hearing to the petitioner and he must refer his finding, particularly, with respect to the fact that the dwelling house and shop of the petitioner is subject matter of the said Encroachment Case, if the balance of convenience is in favour of the petitioner, he may



dispose of the application filed under Section 14 of the Act within a period of two weeks and he is required to proceed with the appeal in accordance with law. The petitioner, if so advised, may avail remedy before the appropriate forum for getting his title over the plot involved in the notice contained in Annexure-5 to the writ petition.

No coercive step shall be taken by the Circle Officer in connection with Encroachment Case No. 01 of 2021-22 till the application of the petitioner filed under Section 14 of the Act is disposed of by the Appellate Authority.

With the above observations and directions, the present application stands disposed of.

(Purnendu Singh, J)

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