

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1331 of 2022

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1. Upendra Kumar Yadav Son of Late Kailash Ray Resident of Village - Chagenma, P.S. Bela, Dist. Sitamarhi.
 2. Pintu Kumar Son of Ramnagina Ray Resident of Village - Malahi, P.S. - Bela, Dist. - Sitamarhi.
 3. Sanjay Kumar Sah Son of Suresh Prasad Sah Resident of Village - Khairva, P.S. - Bela, Dist. Sitamarhi.
 4. Jainendra Kumar Yadav Son of Late Ravindra Kumar Yadav Resident of Village - Chagenma, P.S. - Bela, Dist. Sitamarhi.
 5. Durgesh Kumar Son of Late Ganesh Sah Resident of Village - Bhisava Bazar, P.S. - Bela, Dist. Sitamarhi.
 6. Rakesh Kumar Son of Devnarayan Ray Resident of Village - Chagenma, P.S. - Bela, Dist. Sitamarhi.
 7. Sanjay Kumar Son of Late Laxmi Sah Resident of Village - Bhisava Bazar, P.S. - Bela, Dist- Sitamarhi.
 8. Raju Kumar Son of Late Niras Raut Resident of Village - Bhisava Bazar, P.S. - Bela, Dist- Sitamarhi.
 9. Krishan Ray Son of Late Raj Narayan Ray Resident of Village - Chagenma, P.S. - Bela, Dist- Sitamarhi.
 10. Ramanand Sah Son of Late Chhathulal Sah Resident of Village - Bhisava Bazar, P.S. - Bela, Dist. Sitamarhi.
 11. Mithlesh Kumar Yadav Son of Ramdhyan Ray Resident of Village - Malahi, P.S. - Bela, Dist. Sitamarhi.
 12. Shailendra Sah Son of Late Mahanath Sah Resident of Village - Bhisava Bazar, Dist Sitamarhi.
 13. Anil Kumar Son of Lalit Prasad Sah Resident of Village - Khirva, P.S. - Bela, Dist. Sitamarhi.
 14. Kailash Mandal Son of Late Ramdyal Mandal Resident of Village - Bhisava Bazar, P.S. - Bela, Dist. Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Department of Revenue, Bihar at Patna.
2. The District Magistrate, Sitamarhi.
3. The Circle Officer, Circle - Parihar, Dist. Sitamarhi (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan No.II, Advocate
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

6 27-02-2023 The present writ petition has been filed seeking the following relief :-

“(i) For issuance of writ in the nature of mandamus/ any other appropriate writ or order or direction commanding the respondent no. 3 to fix the reasonable rent/ kaudi daily or weekly or monthly for the shop/ shops of petitioners situated in Bhisava Bazar, PS-Bela, District-Sitamarhi and further to stay the removal of shop/ shops of petitioners from Bhisava Bazar.”

At the outset, the learned counsel for the petitioners submits that the petitioners be granted liberty to challenge the order dated 04.09.2021, passed by the Circle Officer, Parihar in Encroachment case no. 03 of 2021-22, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956.

Having regard to the limited prayer made by the petitioners in the present case, I deem it fit and appropriate to grant liberty to the petitioners to file appropriate appeal before the appellate authority and in case, such an appeal is filed within a period of four weeks from today, the same shall be considered in accordance with law and a reasoned and a speaking order



shall be passed, thereafter and till then, *status quo* existing as on today *qua* the shops of the petitioner shall be maintained.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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