

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.989 of 2023

1. Umesh Singh Son of Late Madan Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
2. Lal Bahadur Shastri @ Lal Bahadur Kumar Son of Late Gita Prasad Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
3. Vijay Kumar Singh Son of Late Rameshwar Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
4. Janardan Singh Son of Late Shital Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
5. Krishnandan Singh Son of Late Shital Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
6. Ashok Kumar @ Ashok Singh Son of Naresh Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
7. Nawal Singh Son of Late Chandeshwar Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
8. Sanjay Singh Son of Late Chandra Shekhar Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
9. Ram Naresh Singh Son of Late Shiv Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
10. Chhotelal Singh Son of Late Shiv Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
11. Rajniti Singh Son of Late Narayan Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
12. Sumant Kumar Son of Onkarnath Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
13. Valmiki Singh Son of Late Mathura Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
14. Ashok Singh Son of Late Sakaldeo Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
15. Manohar Singh Son of Late Shital Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
16. Arjun Singh Son of Brahamdev Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.
17. Raj Kumar Singh Son of Late Brahamdev Singh Resident of Village-Rudasi, P.S.-Sirari (O.P.) Sheikhpura, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms,



Government of Bihar, Patna.

3. The District Magistrate-Cum-Collector, Sheikhpura.
4. The Sub-Divisional Magistrate, Sheikhpura.
5. The Circle Officer, Block and Anchal-Sheikhpura, District-Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.
For the Respondent/s : Mr. Asif Kalim, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-02-2023 In pursuance to the earlier order of this Court dated 10.2.2023, the Circle Officer, Sheikhpura is present in the Court and has filed a voluminous counter affidavit, which is taken on record.

The learned counsel for the respondent-State submits that an order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 dated 28.11.2022 has already been passed in the present case, which is Annexure-B to the present writ petition, hence, if so advised, the petitioners can file appropriate appeal against the said order dated 28.11.2022.

At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated



28.11.2022, passed in Encroachment Case No. 5 of 2022-23, by the Circle Officer, Sheikhpura, however, seeks some protection during the interregnum period.

Accordingly, the present writ petition stands disposed off with liberty to the petitioners to file appropriate appeal, challenging the aforesaid order dated 28.11.2022 and in case, the same is filed within a period of four weeks from today, the same shall be heard on merits by the appellate authority.

It is needless to state that for a period of two weeks from today, status quo, existing as on today qua the houses of the petitioners, shall be maintained.

(Mohit Kumar Shah, J)

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