

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2246 of 2023

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1. Prem Mahto Son of Late Shankar Mahto, Resident of Village- Mohachi Nain, P.S.- Gopalpur, Block- Chanpatia, Dist.- West Champaran.
 2. Suresh Mahto, Son of Late Shankar Mahto, Resident of Village- Mohachi Nain, P.S.- Gopalpur, Block- Chanpatia, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum- District Magistrate, West Champaran at Bettiah.
2. The Collector-cum- District Magistrate, West Champaran at Bettiah.
3. The Sub- Divisional Officer, Bettiah Sadar, Bettiah, Dist.- West Champaran.
4. The Circle Officer, Chanpatia Block, Chanpatia, District- West Champaran.
5. The Officer-in- Charge, Chanpatia Police Station, Chanpatia, District- West Champaran.
6. Kanhaiya Prasad Kushwaha, S/o Late Rajbanshi Prasad Kushwaha, Resident of Village- Mohachi Nain, P.S.- Gopalpur, Block- Chanpatia, Dist.- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-04-2023 The learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record.

The learned counsel for the respondent-State has submitted that the Circle Officer, Chanpatia, District West Champaran has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 16.06.2022/23.07.2022, in connection with Encroachment Case No. 20 of 2018-19, holding the petitioners to be encroachers.



In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid final order passed by the Circle Officer, Chanpatia by filing appropriate appeal, however, seeks some protection during the interregnum period.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioners to file appropriate appeal and in case appropriate appeals are filed, within a period of four weeks from today, status quo existing as on today qua the land/houses of the petitioners in question shall be maintained till the passing of the final order by the appellate-authority.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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