

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3824 of 2023

-
-
1. Shambhu Sharma Son of Late Rameshwar Singh @ Rajeshwar Singh Resident of Village-Momindpur, P.S.-Hilsa, Circle, Hilsa, District-Nalanda.
 2. Nawal Singh @ Pravesh Prasad Singh Son of Late Ram Khilawan Singh Resident of Village-Momindpur, P.S.-Hilsa, Circle, Hilsa, District-Nalanda.
 3. Baleshwar Singh Son of Late Julumdhari Singh Resident of Village-Momindpur, P.S.-Hilsa, Circle, Hilsa, District-Nalanda.
 4. Vijay Singh Son of Late Julumdhari Singh Resident of Village-Momindpur, P.S.-Hilsa, Circle, Hilsa, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Revenue Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue Department Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Collector, District- Nalanda.
5. The Deputy Collector, Land Reforms, Hilsa Nalanda.
6. The Sub-Divisional Officer, Hilsa, Nalanda.
7. The Circle Officer, Circle Hilsa, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Standing Counsel-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-04-2023 At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record.

The petitioners have filed the present writ petition seeking the following relief:-

“1. That the present writ application is



being filed for issuance of appropriate writ/writs,order/orders,direction/directions more particularly issuance of writ in the nature of prohibition restraining the respondents from demolishing the house of the petitioners forcibly by Circle officer, Hilsa (respondent no. 7), which was made 100 years ago in Muaza- Mominpur, Thana no. 58, Khata no. 101, Khesra No. 861, without applying the provision of law and examining the facts and order passed by this Hon'ble Court in Appellate Decree No. 1084 of 1947 by the Hon'ble Mr. Justice Bhuvaneshvar Prasad Sinha and further prayer for staying the action of proposal-I dated 13.12.2023 (Annexure-4) issued by the respondent No. 7 (Circle Officer, Hilsa)."

The learned counsel for the respondent-State, while referring to the counter affidavit filed in the present case, has submitted that the Circle Officer, Hilsa, District-Nalanda has already passed the final order dated 02.02.2023 in connection with Encroachment Case No. 10 of 2022-23, which has been brought on record by way of Annexure-C to the counter affidavit filed in the present case.



At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid orders dated 27.01.2023/02.02.2023 by filing appropriate appeal before the appellate authority. Liberty so sought is granted.

It is needless to state that for 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 in order to enable the petitioners to file appropriate appeal and seek interim relief.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/lata-

U			
---	--	--	--

