

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3395 of 2023

1. Bechan Paswan @ Bechan Ram S/o Jagnarayan Paswan @ Jagnarayan Ram, Resident of Vill.-Bartali, P.O.-Chandrakaithi, P.S.-Chenari, Dist-Rohtas (Sasaram), Bihar.
2. Ramnath Paswan @ Ramanth Ram, S/o Late Sahdev Paswan @ Sahdev Ram, Resident of Vill.-Bartali, P.O.-Chandrakaithi, P.S.-Chenari, Dist-Rohtas (Sasaram), Bihar.
3. Bigu Paswan @ Bigu Ram @ Vigu Paswan S/o Mutur Paswan @ Mudar Ram, Resident of Vill.-Bartali, P.O.-Chandrakaithi, P.S.-Chenari, Dist-Rohtas (Sasaram), Bihar.
4. Dhurbigan Ram @ Dhurbigan Paswan, S/o Late Sahadev Paswan @ Late Sahdev Ram, Resident of Vill.-Bartali, P.O.-Chandrakaithi, P.S.-Chenari, Dist-Rohtas (Sasaram), Bihar.
5. Ramashankar Ram @ Rama Shankar Paswan, S/o Late Jagnarayan Paswan @ Late Jagnarayan Ram, Resident of Vill.-Bartali, P.O.-Chandrakaithi, P.S.-Chenari, Dist-Rohtas (Sasaram), Bihar.
6. Balister Ram @ Balister Ram @ Balister Paswan, S/o Late Jagnarayan Paswan @ Late Jagnarayan Ram, Resident of Vill.-Bartali, P.O.-Chandrakaithi, P.S.-Chenari, Dist-Rohtas (Sasaram), Bihar.
7. Saroj Paswan, S/o Late Bulet Paswan, Resident of Vill.-Bartali, P.O.-Chandrakaithi, P.S.-Chenari, Dist-Rohtas (Sasaram), Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary/Secretary Welfare Department (SC/ST Welfare), Govt. of Bihar.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Rohtas District.
5. The Sub-Divisional Officer, Sasaram, Rohtas.
6. The Circle Officer, Chenari, Rohtas.
7. The Halka Karamchari, Chenari Circle, Rohtas.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



2 02-03-2023 The present writ petition has been filed seeking the following relief:-

“1. (i) To set aside the notice dated 19.01.2023 (Annexure-9 series) issued under the signature of the Circle Officer Chenari, Rohatas-District in Encroachment cases instituted against the petitioners bearing Encroachment Case No. 11/2019-20 (Ramnath Paswan Vrs. State), Encroachment Case No. 21/2019-20 (Bighu Paswan Vrs. State), Encroachment Case No. 22/2019-20 (Bechan Paswan Vrs. State), under Bihar Public Land Encroachment Act.

(ii) For issuance of mandamus against the respondents concerned to no unsettle the land already settled earlier in 1990 in the name of the petitioners/their ancestors /their family members being them persons of Schedule Class category Landless (homeless) persons/ almost landless persons and so suitable category of persons for settlement of land in question.

(iii) For issuance of direction against the respondents concerned to not unnecessarily harass the poor petitioners/ their family members in the name of so called removal of encroachment from the



Public Land.”

After some arguments, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to file appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act, 1956’), against the final order passed by the Circle Officer, Chenari, District-Rohtas under Section 6(1) of the Act, 1956 in connection with encroachment cases bearing Encroachment Case No. 22/2019-20, Encroachment Case No. 11/2019-20, Encroachment Case No. 21/2019-20, Encroachment Case No. 23/2019-20, Encroachment Case No. 24/2019-20, Encroachment Case No. 27/2019-20 and Encroachment Case No. 10/2019-20.

Liberty so sought is granted.

It is needless to state that for a period of six 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 appeals and obtain stay order.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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