

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4601 of 2023

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1. Rajesh Kumar Chaudhary @ Rajesh Chaudhary Son of Sita Chaudhary, Resident of Village-Mansara, P.S.-Simra, District-Aurangabad (Bihar)
 2. Manoj Ram Son of Kamal Ram Resident of Village-Mansara, P.S.-Simra, District-Aurangabad (Bihar)
 3. Ramchandra Chauhan Son of Ramdas Chauhan Resident of Village-Mansara, P.S.-Simra, District-Aurangabad (Bihar)
 4. Ramlakhan Yadav Son of Sundar Yadav Resident of Village-Kusma Basdiha, P.S.-Simra, District-Aurangabad (Bihar)
 5. Nagdeo Mehta Son of Bhutan Mehta @ Buti Mehta Resident of Village-Ajaniya, P.S.-Simra, District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through The Collector, Aurangabad.
2. The District Magistrate Cum Collector, Aurangabad.
3. The Additional Collector (Revenue), Aurangabad.
4. The District Magistrate, Aurangabad.
5. The Deputy Collector, Land Reforms, Aurangabad.
6. The Circle Officer, Kutumba, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-11-2023 The present writ petition has been filed seeking the following reliefs:-

“1(a). for quashing the Notice dated 28.01.2023, issued by The Circle Officer, Kutumba, Aurangabad, under Section 6(2) of Bihar Public Land Encroachment Act, 1956, whereby and whereunder a direction has been issued to the petitioners to remove the encroachment from the



land mentioned in the notice ignoring that the said lands are ancestral/purchased land of the petitioners, but the same has been shown as government land and notices have been issued for demolition of dwelling houses of the petitioners, fixing date as 13.02.2023, and further,

(b). for restraining the respondents from demolishing dwelling houses of the petitioners in the garb of removal of encroachment from public land ignoring the fact that houses of the petitioners are standing on their Raiyati / purchased lands.”

2. At the outset, the learned counsel for the Respondent-State has referred to the counter affidavit, filed in the present case and submitted that the Circle Officer, Kutumba, has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, on 23.3.2015, in connection with Encroachment Case No. 2 of 2014-15, hence, in case the petitioners are aggrieved, they may file appropriate appeal.

3. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 23.3.2015, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956, however, seeks some protection during the interregnum



period. Liberty, so sought, is granted.

4. 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 them to file appropriate appeal along with a petition for grant of interim relief.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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