

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5931 of 2023

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Satyendra Prasad Singh @ Satyendra Singh S/o- Late Rameshwar Singh
Resident of Village- Ranna, P.S.- Sadar Bhalpatti, O.P. Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Bihar, Patna.
2. The Collector, Darbhanga.
3. The Circle Officer, Darbhanga Sadar, Dist.- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pradeep Kumar Singh, Adv.
For the Respondent/s : Mr.Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1. (i) That by this writ application petitioner crave an indulgence of this Hon'ble High Court to quash the notice dt. 11.02.2023 contained in annexue 8 and notice dt. 11.03.2023 contained in annexure-10 issued circle office, Sadar Darbhanga (respondent no.3) in encroachment case no. 33/22-23 by which the Circle Officer, Sadar the Darbhanga respondent no.3 has ordered the petitioner to remove the unauthorized possession on plot no. 465, area 2.75 decimal situated in village Ranna, failing which liable for punishment of 188 Indian Penal Code.

(ii) To issue direction to the respondent authority to declare land in question from encroachment



free land in the Encroachment Case No. 33/22-23.”

2. At the outset, the learned counsel for the respondent-State has referred to the counter affidavit filed in the present case to submit that the Circle Officer, Sadar Darbhanga has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.33 of 2022-23, which is dated 28.02.2023.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 28.02.2023, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956, however seeks some protection during the interregnum period.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to challenge the aforesaid order dated 28.02.2023, by filing appropriate appeal, however, during the interregnum period, for a period of four weeks from today, status quo existing as on today qua the land/house of the petitioner in question shall be maintained in order to enable the petitioner to file 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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