

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7095 of 2023

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Kamlendra Kumar @ Chhotu @ Chhotu Kumar @ Chhotu Jaiswal Son of
Late Ramendra Kumar Jaiswal, resident of Mohalla - Hakikatpur, P.S., Block
and Circle - Bakhityarpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, District- Patna.
3. The Deputy Development Commissioner -cum- Executive Officer, District Board, Patna.
4. The Additional Collector (Land and Revenue), District- Patna.
5. The Circle Officer, Circle - Bakhtiyarpur, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-06-2023

The present writ petition has been filed seeking the
following relief:-

“1. That this is an application for issuance of writ/writs, order/orders, direction/directions in the nature of Certiorari to quash the order dated 02.02.2023 passed in Mutation Cancellation Case No. 183/2019-20 by learned Addl. Collector, Patna, whereby and where under, he has directed to the Circle Officer, Bakhtiyarpur, to remove the encroachment over Khata no. 52, Plot no. 68, measuring an area 5 decimal, P.S. No. 139,



Mohalla- Hakikatpur, Bakhtiyarpur, District-Patna as well the Notice contained in memo no. 567 dated 08.04.2023, under section 3 of Public Land Encroachment Act, 2012, issued by the Circle Officer, Bakhtiyarpur, District-Patna and ignoring the facts and circumstances of the case and for other relief/reliefs in the facts and circumstances of the case.”

The learned counsel for the petitioner has submitted that the aforesaid order dated 2.2.2023 has also been assailed by the petitioner, by filing an appeal bearing Appeal Case No. 8 of 2023-24, which is pending consideration before the learned Court of District Magistrate, Patna, hence, the petitioner be granted liberty to seek interim orders, by filing appropriate petition in the aforesaid pending appeal, specifically praying therein to stay further proceedings, initiated by the Circle Officer, Bakhtiyarpur, District-Patna, for removal of the encroachment in question. 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 / house of the petitioner in question shall be maintained, in order to enable the petitioner to file appropriate petition for grant of interim reliefs in the aforesaid pending appeal before the learned



Collector, Patna and obtain interim reliefs.

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

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	4.7.2023
Transmission Date	NA

