

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7897 of 2023

1. Ram Sukhit Thakur Son of Ram Prakash Thakur, Resident of Parari, Tole Baraidih, P.S. - Biraul, District - Darbhanga.
2. Ramudistha Thakur @ Ramudistha Bramhdev Thakur, Son of Bramhdev Thakur, Resident of Village - Parari, Baraidih, P.S.- Biraul, District - Darbhanga.
3. Ramjanki Devi, Wife of Nathuni Jha @ Nathuni Thakur, Resident of Village - Parari, Baraidih, P.S. - Biraul, District - Darbhanga.
4. Satya Narayan Thakur, Son of Surya Narayan Thakur, Resident of Village - Parari, P.S. - Biraul, District - Darbhanga.
5. Dinesh Thaur, Son of Ram Sahay Thakur, Resident of Village - Parari, Baraidih, P.S. - Biraul, District - Darbhanga.
6. Ram Chandra Thakur, Son of Surya Narayan Thakur, Resident of Village - Parari, P.S. - Biraul, District - Darbhanga.
7. Ramanand Thakur, Son of Ram Sahay Thakur, Resident of village - Parari, Baraidih, P.S. - Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Circle Officer (Anchaladhikari), Biraul, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Jha
For the Respondent/s	:	Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The present writ application is a pre-mature writ application as the petitioner has challenged the show cause notice. He wants this Court, in writ jurisdiction to examine his defence which cannot be done.

3. The petitioner is directed to file reply to the show



cause notice and the Circle Officer concerned is directed to hear the petitioner and examine the records and thereafter pass an order.

4. At this juncture, the learned counsel for the petitioner submits that he may be permitted to file a title suit in the present matter.

5. On this submission, this court is of the view that this Court is not required to permit any person to file a title suit if it is permissible in law.

6. During pendency of the proceeding before the Circle Officer under the Bihar Public Land Encroachment Act, 1956, the petitioner cannot be fore to evict the premises. The Circle Officer is restrained from evicting the petitioner without concluding the encroachment proceeding.

7. With the aforesaid directions, this application stands disposed of.

(Sandeep Kumar, J)

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