

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7584 of 2023

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1. Suresh Yadav Son of Late Satyadeo Prasad Resident of Village- Manjhar, P.S.- Belaganj, District- Gaya.
 2. Shivjai Yadav @ Shivjai Kumar Son of Late Mithlesh Yadav Resident of Village- Manjhar, P.S.- Belaganj, District- Gaya.
 3. Sahjanand Yadav Son of Late Satyadeo Yadav Resident of Village- Manjhar, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Land Reforms and Revenue Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, Gaya.
3. The Circle Officer, Belaganj Anchal, District - Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1(A) A writ in the nature of Certiorari or any other appropriate writ/s, order/s, direction/s,

(i) For quashing the notice dated 19.09.2022 (Annexure: 6) issued under section 6(2) of Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the Act in short) issued under the signature of Circle Officer, Belaganj (Respondent No.3) in Encroachment Case No. 07/2022, whereby and whereunder the Circle Officer directed the petitioners to remove the encroachment from the land pertaining to



Mauza: Manjhar, Thana No. 109, Khata No. 415, Plot No. 2422 without handing over the final order dated 19.09.2022 passed u/s 6 of the Act, and given an opportunity of hearing to the petitioners. The respondents are adamant to demolish the house of the petitioner in the name of encroachment of government land.

(ii) To quash the notice dated 20.08.2022 (Annexure: 3) passed by the Circle Officer, Belaganj which has been passed behind back of the petitioners and violates the principle of natural justice.

B) A writ in the nature of Mandamus or any other appropriate writ/s, order/s, direction's directing the respondent authorities for the following:-

(i) To hold the notice dated 20.08.2022 u/s 3 of the Bihar Public Land Encroachment Act and notice dated 19.09.2022 issued u/s 6 of the Act as well as final order dated 19.09.2022 passed in Encroachment Case No. 07/2022 by the Circle Officer, Belaganj (Annexure: 4) is nonest in the eye of law and fit to be set aside.

(ii) To stay the aforesaid notice/order dated 19.09.2022 till the disposal of the instant writ application.”

2. After some arguments, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge



the final order dated 19.09.2022, passed by the Circle Officer, Belaganj Anchal, District-Gaya, in connection with Encroachment Case No.09 of 2022, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, by filing appropriate appeal under Section 11 of the Act, 1956. Liberty so sought is granted.

3. It is needless to state that for a period of four weeks from today, status quo existing as on today qua the land/house of the petitioners in question shall be maintained in order to enable the petitioners to file appropriate appeal, alongwith a petition for grant of interim relief.

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

(Mohit Kumar Shah, J)

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