

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11788 of 2013

1. Anil Mali Son Of Late Badri Mali Resident Of Village- Kudra, Jehanabad Panchayat, P.O.- Kudra, P.S.- Kudra District- Kaimur Bhabhua
2. Manoj Mali Son Of Jagnarayan Mali Resident Of Village- Kudra, Jehanabad Panchayat, P.O.- Kudra, P.S.- Kudra District- Kaimur Bhabhua
3. Lallu Sah Son Of Late Ram Chandra Sah Resident Of Village- Kudra, Jehanabad Panchayat, P.O.- Kudra, P.S.- Kudra District- Kaimur Bhabhua
4. Tuntun Kharwal Son Of Late Ram Vilas Kharwal Resident Of Village- Kudra, Jehanabad Panchayat, P.O.- Kudra, P.S.- Kudra District- Kaimur Bhabhua
5. Ram Ekbal Singh Son Of Ram Dayal Singh Resident Of Village- Kudra, Jehanabad Panchayat, P.O.- Kudra, P.S.- Kudra District- Kaimur Bhabhua
6. Vyas Choudhary Son Of Ram Lal Choudhary Resident Of Village- Kudra, Jehanabad Panchayat, P.O.- Kudra, P.S.- Kudra District- Kaimur Bhabhua
7. Bhola Singh Son Of Late Keshav Singh Resident Of Village- Kudra, Jehanabad Panchayat, P.O.- Kudra, P.S.- Kudra District- Kaimur Bhabhua
8. Dharmendra Kumar Singh @ Duldul Singh Son Of Mukhdev Singh Resident Of Village- Kudra, Jehanabad Panchayat, P.O.- Kudra, P.S.- Kudra District- Kaimur Bhabhua

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, District- Kaimur At Bhabhua
2. The Additional District Magistrate, District- Kaimur At Bhabhua
3. The Sub Divisional Officer, Mohania, District- Kaimur At Bhabhua
4. The Circle Officer, Block- Kudra, District- Kaimur At Bhabhua
5. The Officer-In-Charge, P.S.- Kudra, District- Kaimur At Bhabhua
6. The Maksood Alam, Secretary, Waft State No.- 2532, Village- Jehanabad Kudra, P.O.- Kudra, District- Kaimur At Bhabhua

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Singh, Adv.
For the Respondent/s	:	Mr.Sunil Kr. Mandal, SC-3
		Mr. Bipin Kumar, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 16-03-2023 The present writ petition has been filed seeking the following reliefs:-



“1(I). That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the certiorari for quashing the order dated 8.6.2013 passed by the Circle Officer, Kudra, respondent no-4 by which the respondent no. 4 has been pleased to direct the petitioners to vacate the public land at Mauza-Jehanabad(Kudra), Khata No-809, Khesra-1393, area-0.81 decimals by dated 24.6.2013 which is anabad sarvasadharan land as because the same land is public land under Bihar Public Land Encroachment Act, 1956 under section-2, sub-section-5 (herein referred as "the Act") otherwise by They means of force they will be evicted.

(II). That the present application is being filed for appropriate writ order/ direction(s) to the respondent authorities particularly respondent no. 1 and 4 to settle the above land in favour of the petitioners over which the petitioners are running their respective business peacefully over last 20 years as they have not encroached the road land nor they have encroached the land of the kabristan in any manner and in fact the present land upon which the shops are existing are situated outside of the kabristan and back of the general nala (sewerage).”

At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file appropriate appeal against the order dated 8.6.2013, passed by the Circle



Officer, Kudra. Liberty, so sought, is granted.

It is needless to state that in case, appropriate appeal is filed within a period of two weeks from today, the same shall be considered on merits by the appellate authority and disposed off forthwith, in accordance with law.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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