

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15551 of 2013

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1. Krishana Kumar Pandey Son Of Bishwanath Pandey Resident Of Village- Bodhgaya, P.S.- Bodhgaya, District- Gaya
 2. Anand Kumar Son Of Ram Naresh Prasad Resident Of Village- Bodhgaya, P.S.- Bodhgaya, District- Gaya
 3. Rupesh Kumar Son Of Late Chandrika Prasad Gupta Resident Of Village- Bodhgaya, P.S.- Bodhgaya, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Govt. Of Bihar, Patna
2. The Collector, Gaya, District- Gaya
3. Sri Janardhan Prasad Son Of Not Known To The Petitioner, The Circle Officer, Bodhgaya, P.S.- Bodhgaya, District- Gaya
4. The Circle Officer, Bodhgaya, District- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Singh, Adv.
For the Respondent/s	:	Mr. Rajeshwar Singh, GP-10
		Mr. Jitendra Kumar, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 27-02-2023 The present writ petition has been filed
seeking the following reliefs:-

1(i). For quashing the undated notice No. 64/13-14, 65/13-14 and 66/13-14 respectively as contained in Annexure- under Section 3 of the Bihar Public Land Encroachment Act, 1956 by which show cause has been asked from the petitioners respectively by 08.08.2013 and the petitioners are responsible for encroachment the



public land having area of 288 sq. ft, 343 sq. ft and 294 sq. ft of Khata No. 509, Plot No.1516 respectively in Mauja Mastipur under Anchal Bodhgaya, District-Gaya and further petitioners have been directed to explain as to why alleged encroachment be not removed and if the petitioners do not appear on 08.08.2013 then decision will be taken ex parte showing absent to the petitioners.

(ii). And also for directing the respondents especially Circle Officer, Bodhgaya to not proceed with in Case No.64/13-14, 65/13-14 and 66/13-14 against the petitioners in any manner under Bihar Public Land Encroachment Act, 1956.

(iii). And also for directing the respondents to give no effect of the notice issued against the petitioners as contained in Annexure-2 to 4 in Case No.64/13-14, 65/13-14 and 66/13-14 under Bihar Land Encroachment Act, 1956 respectively.

(iv). And alternative prayer of the petitioners is that if the respondents demolishes structure as mentioned in



the notice under Section 3 of Bihar Public Land Encroachment Act, 1956 in Case No. 64,65,66/13-14 as contained in Annexure 2 to 4 be reconstructed from the pocket of the Circle Officer, respondent no.3. and the other persons who are found involved in demolishing the structure during the pendency of the writ application.

At the outset, the learned Counsel for the petitioners submits that the petitioners be granted liberty to challenge the final order, passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 by the Circle Officer Bodh Gaya, Gaya, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty, so sought, is granted.

It is needless to state that in case, appropriate appeal is filed within a period of four weeks from today, the appellate authority shall consider the same on merits, without being impeded by the issue of limitation and pass a reasoned and a speaking order, in accordance with law, upon also taking into account all the issues to



be raised by the petitioners in the appeal, including that of them having right, title and interest in the property apart from considering the various orders passed by this Court and till the final order is passed, status quo, existing as on today qua the shops / premises in question, shall be maintained.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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