

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3601 of 2018

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1. Krishmohan Sah @ Krishnamohan Sah S/o Gopal Sah
 2. Ram Ekbal Prasad S/o Late Shivrath Prasad
 3. Keshu Sah S/o Late Bhikhari Sah
 4. Shatrudhan Prasad S/o Late Shivrani Sah
 5. Jeetendra Singh S/o Late Lal Prasad Singh
 6. Bhulawan Sah S/o Vaidyanath Sah
All resident of Village - Chiutanan, P.O. - Ahiraulia, P.S. Ramgarhwa,
District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Collector-cum-District Magistrate, East Champaran, Motihari.
3. The Superintendent of Police, East Champaran, Motihari.
4. The Sub-Divisional Police Officer, East Champaran, Motihari.
5. The Block Development Officer, Block-Ramgarhwa, District-East
Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr.Raj Kishore Roy- Gp18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 12-09-2023 1. The present writ petition has been filed seeking the
following reliefs:-

*“(i) To quash the notice dated
06.02.2018 issued by Circle Officer
Ramgarhawa, East Champaran, Motihari, in
Encroachment Case No- 27/17-18 whereby and
whereunder direction has been issued to the
petitioners to remove the encroachment, as
alleged, by 20.02.2018 else appropriate action
will be taken against them.*



(ii) To direct the Respondents not to disturb the petitioners from place on which they are residing prior to Independence.”

2. The learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record, wherein it has been stated that the Circle Officer, Ramgarhawa has already passed the final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 dated 13.08.2022, in connection with Encroachment Case No.27 of 2017-18, hence, in case the petitioners are so aggrieved, they may file appropriate appeal, under Section 11 of the Bihar Public Land Encroachment Act, 1956.

3. *Per contra*, the learned counsel for the petitioners submits that the petitioners be granted liberty to challenge the aforesaid order dated 13.08.2022, by filing appropriate appeal, however, during the interregnum period, they may be granted some protection.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file appropriate appeal, challenging the aforesaid order dated 13.08.2022.

5. 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 along with an application for grant of interim relief.

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

(Mohit Kumar Shah, J)

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