

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8355 of 2023

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1. Avdhesh Paswan Son of Late Ganga Paswan Resident of Village-Nawranga P.S.-Islampur, Dist-Nalanda.
 2. Vijay Paswan Son of Late Ganga Paswan Resident of Village-Nawranga P.S.-Islampur, Dist-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Nalanda.
4. The Sub Divisional Officer, Hilsa, District-Nalanda.
5. The Circle Officer, Islampur, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shivendra Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy (GP 18)
	:	Mr. Navnit Kumar, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 12-09-2023

1. The present petition has been filed seeking the following reliefs :-

“(i) To quash the letter no.969 dated 18.04.2023 passed by the circle officer, Islampur in encroachment case no. 09/2021- 22 by which respondents have directed the petitioners to remove the encroachment before 08.05.2023 otherwise respondent shall removed the same on 10.05.2023.

(ii) For further directions to the circle



officer to consider the objection filed by the petitioner on 3.05.2023 which is mandatory for the circle officer before passing the demolition order. “

2. At the outset, 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 final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter to be referred as “the Act, 1956”) has been passed by the Circle Officer, Islampur, Nalanda on 28.07.2023, in connection with Encroachment case no. 09 of 2021-22, hence, in case the petitioners are aggrieved, they can challenge the same under Section 11 of the Act, 1956.

3. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 28.07.2023, passed by the Circle Officer, Islampur, Nalanda, by filing appropriate appeal, however, seeks some protection during the interregnum period. Liberty so sought, is granted.

4. It is needless to state that for a period of six 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 a petition for grant of interim relief.

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

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2023
Transmission Date	NA

