

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8289 of 2023

Arvind Kumar Son of Ramashray Prasad, Resident of Village- Gandhi Nagar,
Bele Police Station- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The District Magistrate, Nalanda, District- Nalanda.
4. The Additional Collector, Nalanda, District- Nalanda.
5. The Deputy Development Commissioner, Nalanda, District- Nalanda.
6. The Sub Divisional Officer, Hilsa, District Nalanda.
7. The Programme Officer, MANREGA, District- Nalanda.
8. The District Education Officer, Nalanda, District- Nalanda.
9. The Circle Officer, Circle Parwalpur, Police Station- Parwalpur, District- Nalanda.
10. The Mukhiya Gram Panchayati Raj Chousanda, Police Station- Parwalpur, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rabindra Prasad Singh, Adv.
For the Respondent/s	:	Mr.Jitendra Kr. Roy 1, SC-13
		Mrs.Usha Kumari Singh, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 10-07-2023

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

"1.That this writ application is being filed on behalf of the petitioners for issuance of an appropriate order/ orders/ direction/directions/writ in the nature of certiorari to set aside the Praptra II issued by the Circle Officer, Nalanda dated



16.05.2023 in connection of Encroachment Case No. 02/2022-23 mandamus directing and commanding to the Respondents to vacate /demolish the new constructed wall of the school by which the rasta of the petitioner along with other villagers has been stopped due to construction of wall of the school under scheme of MNREGA by the local Mukhiya and other respondents.”

2. The learned for the respondent-State has at the outset, handed over a copy of the final order, passed by the Circle Officer, Parwalpur, Nalanda, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, which is dated 16.05.2023, whereby and whereunder the petitioner has been held to be an encroacher and he has been directed to remove the encroachment in question by 30.05.2023.

3. The learned counsel for the petitioner, in view of the aforesaid, seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 16.05.2023, passed by Circle Officer, Parwalpur, Nalanda, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

4. 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 and pass a reasoned and a speaking order, in accordance with law, within a period of four weeks, thereafter and till then status quo existing as on today qua the land/house of the petitioner in question, shall be maintained.

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	11.07.2023
Transmission Date	NA

