

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8894 of 2023

1. Ram Bhawan Yadav Son of Dev Sharan Yadav, Resident of Village- Harpur, Police Station - Hulasganj, District- Jehanabad. At present Mohalla - Chiniya Pokhar Near Bypass N.H. 30 Begampur, Police Station - Patna City, District - Patna.
2. Upendra Yadav, Son of Shivnandan Yadav, Resident of Village- Harpur, Police Station - Hulashganj, District - Jehanabad.
3. Sunil Kumar @ Sunil Yadav, Son of Late Umesh Yadav, Resident of Village- Harpur, Police Station - Hulashganj, District - Jehanabad.
4. Manju Devi, Wife of Manoj Yadav, Resident of Village- Harpur, Police Station - Hulashganj, District - Jehanabad.
5. Kamlesh Yadav, Son of Late Tej Narayan Yadav, Resident of Village- Harpur, Police Station - Hulashganj, District - Jehanabad.
6. Ramesh Yadav, Son of Late Tej Narayan Yadav, Resident of Village- Harpur, Police Station - Hulashganj, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Collector, Jehanabad, District - Jehanabad.
3. The Sub Divisional Officer, Jehanabad, District - Jehanabad.
4. The Circle Officer (C.O), Hulashganj, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Nitu Kumari, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 25-07-2023

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

“(i) For issuance of appropriate writ/writs by setting aside the Memo Number 672 dated 08.06.2023 in Encroachment Case o. 14 of 2022 issued from the office of Circle Officer Hulashganj, District- Jehanabad by which



notice has been issued in Form-II directing the petitioners along with other persons to remove Encroachment from the land appertaining to Khata No. 41, Plot No. 125 (Gairmazarua Malik) Area 1.44 decimal and 3.93 decimals in respect of petitioner no. 1, 2.63 decimal (Brick House) in respect of petitioner No. 3, 2.92 decimal in respect of petitioner no. 4 (Bhabhu of Nand Lal Yadav), 1.49 decimal in respect of petitioner No. 5, 1.06 decimal in respect of petitioner No. 6, the land situated at Village- Harpur, Block- Hulashganj, District- Jehanabad.”

2. The learned counsel for the respondent State has submitted by referring to the counter affidavit, filed in the present case that the Circle Officer, Hulashganj, District- Jehanabad has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 07.06.2023, in connection with Encroachment case no. 14 of 2022-23, hence, if the petitioners are aggrieved by the same, they may prefer appropriate appeal.

3. *Per contra*, the learned counsel for the petitioners submits that the petitioners be granted liberty to assail the aforesaid order dated 07.06.2023, by filing appropriate appeal, however, in the meantime, some protection be granted.



4. Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and appropriate to grant liberty to the petitioners to file appropriate appeal within a period of four weeks from today and in case, appropriate appeal is filed within the said period, the same shall be considered by the appellate authority on merits and disposed off by a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter and till then, *status quo* existing as on today *qua* the land/ houses of the petitioners 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	27.07.2023
Transmission Date	NA

