

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9741 of 2023

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Tunni Mandal S/o- Ganesh Mandal R/o- Usmanpur Mirjafari, P.S.- Kharik,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development, Old Secretariat, Patna.
2. The Commissioner, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The Circle Officer, Kharik Block, Navgachhiya, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Vinay Kirti Singh (Ga 2)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-11-2023 Heard the parties.

2. This application has been filed on behalf of the petitioner praying for the stay of the operation of the encroachment case against the petitioner during the pendency of the Title Suit No. 191 of 2022 and also for stay of the notice of D.B. No. 1350 dated 29.12.2021 passed by the Circle Officer, Khrik, Navgachhiya, Bhagalpur.

3. Learned counsel for the petitioner takes this Court to the notice dated 29.12.2021 by which the petitioner has been issued notice under the Bihar Public Land Encroachment Act, 1956. Annexure I which is the notice shows that no encroachment case number has been mentioned in the notice



and therefore the petitioner should not be proceeded against on the basis of this notice as the notice is the very basis for initiation of encroachment proceeding.

4. Learned counsel for the petitioner has also submitted that one Title Suit No. 191 of 2022 is pending in the Court of Munsif, Naugachia for the same grievances.

5. In view of the above, this application is disposed of with a liberty to the petitioner to pray for injunction in the pending title suit and if such an injunction application is filed within a month from today, the same shall be considered by the Munsif, Naugachia in another four weeks.

6. The encroachment proceeding will abide by the order of the Munsif Court in the injunction matter.

7. With the aforesaid directions, this application stands disposed of.

(Sandeep Kumar, J)

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