

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10958 of 2022**

1. Md. Sakir Son of Late Junab Ali Resident of Village- Dokhara, Post Office- Sonaili, Police Station- Kadwa, District- Katihar.
2. Karim @ Abdul Karim @ Md. Karim Son of Late Md. Khairul Resident of Village- Dokhara, Post Office- Sonaili, Police Station- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Director, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Purnea Division, Purnea.
4. The District Collector, Katihar, District- Katihar.
5. The Additional Collector, Katihar, District- Katihar.
6. The Sub-Divisional Officer, Barsoi, District- Katihar.
7. The Deputy Collector Land Reforms, Barsoi, District- Katihar.
8. The Circle Officer Anchal Kadwa, District- Katihar.
9. Sri Rajnish Kumar, the Anchal Amin, Anchal Kadwa, District- Katihar.
10. Md. Anwarul Son of Md. Amjad Ali Resident of Village- Dokhra Sonaili, P.O.- Sonaili, P.S.- Kadwa, District- Katihar.

... .. Respondent/s

**Appearance :**

|                           |   |                               |
|---------------------------|---|-------------------------------|
| For the Petitioner/s      | : | Mr.Jibendra Mishra, Advocate  |
| For the State             | : | Mr.Rishi Raj Sinha ( SC- 19 ) |
|                           |   | Mr. Atul Shankar, AC to SC-19 |
| For the Pvt. Respondent : |   | Mr. Md. Helal Ahmad, Advocate |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

7      26-09-2023                      The present writ petition has been filed  
seeking the following reliefs:-

*"1)For quashing the Notices dated  
5/5/2022 and 25/5/2022 (Annexure 3,  
3/1 and 5, 5/1) issued under the*



*signature of Circle Officer, Kadwa, District- Katihar, Respondent No. 8 to the petitioners under Sub Section 3 of Section 3 of Bihar Public Land Encroachment Act, 1956 (herein after referred as "B.P.L.E Act, 1956") whereby and where under the petitioner No. 1 has been alleged to be the encroachers of a public land of Mauza-Kantia, Thana No. 488 Khata No. 414 Khesra No. 960 measuring an area of 0.000.78 Square Karis of land and the petitioner No. 2 has also been alleged to be the encroachers of the public land of the same above said descriptions of land measuring an area of 0.000.100 Square Karis. However the petitioners have no manner of concern with the lands enumerated in the impugned notices. Petitioner No. 1 is residing over his raiyati residential lands of Khata No. 198, Khesra Nos. 980 and 981 an area of 24 decimals and petitioner No. 2 also resides on Khata No. 327 Khesra No. 928 measuring an area of 33 decimals of land.*

*II)For also quashing the subsequent order bearing Memo No. 803 dated 25/6/2022 (Annexure 9) issued under*



*the signature of Sub Divisional Officer, Barsoi, District- Katihar, Respondent No. 6 in the light of the Office Order bearing Memo No. 912 dated 13/6/2022 sent to him from the Office of Circle Officer Kadwa Respondent No. 8, whereupon he directed the Circle Officer Kadwa, Respondent No. 8, to remove the encroachment allegedly made by the petitioners with the help of Officer-in-Charge, Kadwa over the lands of Khata No. 414 Khesra Nos. 930 and 960 measuring an area of 0.32 Acres and 0.14 Acres respectively, mentioning the type of land as Gair Majarua Aam while as a matter of fact the petitioners have no manner of concern with the above noted lands.*

*III) For restraining the respondents from demolishing the boundary wall and houses of the petitioners situated over their above mentioned raiyati lands under the umbrella of the above said impugned notices dated 5/5/2022 and 31 5 25/5/2022 (Annexure 3, 3/1 and Annexure-5/1) and order dated 25/6/2022 (Annexure-9) issued by the*



*Respondent No. 8 and 6 respectively, by which have been issued with regard to the other pieces of lands for which they are adamant to do the illegal act being influenced by private respondent No. 10.*

*(IV) For directing the respondents to compensate for the damages caused by the demolition of the gate, boundary wall and part of the residential house of the petitioner no. 1, which they have done recently in a complete illegal and arbitrary manner.”*

2. After some arguments, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the order dated 25.05.2022 passed by the Circle Officer, Kadwa, District-Katihar, in connection with Encroachment Case No. 01 of 2022-23, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty, so sought, is granted.

3. It is needless to state that in case an appeal is filed within a period of six weeks from



today, the same shall be considered on merits and disposed off within a period of eight weeks, thereafter by a reasoned and a speaking order, in accordance with law.

4. For a period of four weeks from today, status quo existing as on today qua the land/houses of the petitioners in question shall be maintained in order to enable them to file appropriate Appeal alongwith a petition for grant of interim relief.

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

**(Mohit Kumar Shah, J)**

S.Sb/-

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