

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9850 of 2023

1. Shyam Bihari Prasad S/o Late Ram Pravesh Ram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
2. Ram Naresh Ram, S/o Late Askarn Ram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
3. Ramdhari Ram, s/o Late Ramkeshwar Ram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
4. Vishnu dayal Ram, S/o Late Doman Ram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
5. Jay Kumar @ Jay Kumar Ram, S/o Late Baliram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
6. Sri Ramgovind Ram @ Sri Ram, S/o Late Baliram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
7. Jay Hind Kumar, S/o Surendra Paswan, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
8. Prani Devi, W/o Ramraj Choudhary, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
9. Chandrawati Devi, D/o Late Ramashrya Ram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
10. Ramrup Chowdhary, S/o Late Rambaran Choudhary, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
11. Parwati Devi, D/o Ganauri Ram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.
12. Bindeshwari Ram, S/o Late Rambaran Ram, resident of Village-Walidada, P.S.-Mehandiya, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The District Magistrate, Arwal.
3. The Circle Officer, Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-07-2023

The present writ petition has been filed seeking the



following reliefs:-

“1(a). For setting aside the order dated 26/04/2023 in Encroachment case no -07 of 2022-23, which has been passed against the petitioners is completely without jurisdiction in view of the fact that the petitioners are settle from the concern in the year 1970 after due process of law by the State concerned authority.

(b). To direct the state authority to pay adequate compensation to the petitioners whose house have been demolished in view of the above order passed in Land Encroachment Case no -07/2022-23 inspite of the fact that they are settle from the state.

(c) And further to restrain the circle officer and other authority not demolish further the house of the remaining petitioners which are still in the existence till the filing of the present writ application.

(d) And also restrain the respondent authority from changing the physical feature by any means which the subject matter of the present writ application till the disposal of the writ application.”

2. At the outset, the learned counsel for the petitioners seeks to challenge the final order, passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1986 (hereinafter referred



to as “the Act, 1956”), in connection with Encroachment Case No. 7 of 2022-23, by the Circle Officer, Arwal, by filing appropriate appeal under Section 11 of the Act, 1956. Liberty, so sought, is granted.

3. It is needless to state that in case, appropriate appeal is filed within a period of four weeks from today, under Section 11 of the Act, 1956, by the petitioners, status quo, existing as on today qua the land / houses of the petitioners in question, shall be maintained till the disposal of the appeal by the appellate authority.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2023
Transmission Date	NA

