

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9776 of 2023

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Jagarnath Mishra @ Jagnath Mishra S/o Late Kashi Nath Mishra, Resident of Village- Sapahi, P.O. and P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, East Champaran at Motihari.
4. The Sub Divisional Officer-cum- Sub Divisional Magistrate, Motihari Sadar, Motihari, District-East Champaran.
5. The Deputy Collector, Land Reforms, Motihari Sadar, Motihari, District-East Champaran.
6. The Circle Officer, Turkaulia Block, Turkaulia, District- East Champaran.
7. Ram Naresh Singh S/o Late Satya Narayan Singh, Resident of Village- Sapahi, P.O. and P.S.- Turkaulia, District- East Champaran.
8. Yashoda Devi W/o Ram Naresh Singh, Resident of Village- Sapahi, P.O. and P.S.- Turkaulia, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-08-2023 The present writ petition has been filed seeking the following reliefs:-

“1(A). For issuance of a writ in the nature of certiorari or any other appropriate writ, order/s, to quash the notice dated 23.06.2023 contained in Memo No. 824 issued by the respondent no. 6 in connection with Encroachment Case No. 13/2022-23 to the extent the same relates to directing the petitioner to remove his residential house from a



piece of land appertaining to khata no. 7, Plot No. 1266, falling within Sapahi village of Turkauliya Block of East Champaran District latest by 01.07.2023 failing which the same shall be removed by force on 03.07.2023 (Annexure-10).

(B). For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, direction commanding respondents for the followings:-

(I). To treat the Annexure- 10 to the petition to be nullity and non-est in the eye of law.

(II). To hold that the impugned notices have been issued without following the procedures prescribed under the Bihar Public Land Encroachment Act.”

2. At the outset, the learned counsel for the Respondent-State has submitted that the Circle Officer, Turkaulia, District-East Champaran, has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) on 3.4.2023, in connection with Encroachment Case No. 13 of 2022-23.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 3.4.2023, by filing appropriate appeal under Section 11 of the Act, 1956. Liberty, so sought, is



granted.

4. In order to protect the petitioner till filing of the appeal in question, I deem it fit and proper to direct the Respondent authorities to maintain status quo, existing as on today qua the land / house of the petitioner, for a period of four weeks from today.
5. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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