

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9708 of 2023

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1. Manish Kumar Son of Late Dhrub Narayan Prasad Resident of Village-Tehta Saren, P.S.-Maukhdumpur, Distirct-Jehanabad.
 2. Geeta Devi Wife of Late Shivilal Sao Resident of Village-Tehta Saren, P.S.-Maukhdumpur, Distirct-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate-Cum-Collector, Jehanabad.
4. The Additional Collector, Jehanabad.
5. The Sub-Divisional Officer, Sadar Jehanabad.
6. The Circle Officer, Makhdumpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.
For the Respondent/s : Mr.Raj Kishore Roy (GP 18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-08-2023 The present writ petition has been filed seeking the following relief(s):-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the of nature CERTIORARI for quashing the noticed dated 20.06.2023 issued to the father/husband of the petitioner, since (deceased) under purported exercise of powers conferred under section 6(2) of the Bihar Public Land Encroachment Act 1956 in connection with Encroachment Case No.18/2019-20 directing them to remove by 24.06.2023 the encroachment from the land measuring 525 sq. feet



and 690 sq. feet respectively appertaining to Khata No.1090, Plot No.3605 situated in Mauza- Tehta, P.S.- Makhdumpur in the District of Jehanabad failing which encroachment shall be removed by the help of police force. The cost of removal of encroachment shall be realized by them as well as penalty shall be imposed under section 188 of I.P.C.”

At the outset, the learned counsel for the respondent-state has referred to the order dated 20.06.2023, passed by the Circle Officer, Makhdumpur, in connection with Encroachment Case No.18 of 2019-20, to submit that the final order under Section 6 (1) of the Bihar Public Land Encroachment Act, 1956, has already been passed, hence in case the petitioner is aggrieved by the same, he can file appropriate appeal.

In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 20.06.2023, by filing an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

It is needless to state that for a period of four weeks from today, status quo, existing as on today qua the land/house of the petitioners in question shall be maintained, in order to enable the petitioners to file appropriate appeal, along with a



petition for grant of interim relief.

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

(Mohit Kumar Shah, J)

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