

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9725 of 2023

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Rajesh Kumar S/o Late Ashok Prasad Resident of Village-Majeedpur, P.S.-
Manpur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Department of Revenue and Land Reform,
Government of Bihar, Patna.
3. The District Magistrate-District Collector, Nalanda at Biharsharif.
4. The Collector-Cum-Circle Officer, Biharsharif, District-Nalanda.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-07-2023

The present writ petition has been filed seeking the
following relief:-

“1. That this is an application on behalf of the
above named petitioner to issue an appropriate
writ(s) order(s) or direction(s) particularly in
nature of certiorari to quash Encroachment Case
No. 08/2023-24 as well as notice dated 06.06.2023
issued under the signature of the Collector-cum-
Circle Officer, Biharsharif, District-Nalanda for
alleged encroachment on Khata No.-118, Khesra
No.-1059, Area-0.07 acre, Mauza/Village-
Majidpur, District-Nalanda in quite illegal and
arbitrary manner, since residential house is
constructed over the land, and the petitioner and



his ancestors have been residing there much before enactment of the Bihar Public Land Encroachment Act, 1956 and it is not a public land rather his private land and/or grant any other equitable relief / reliefs befitting in the facts and circumstances of the case”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Biharsharif, District-Nalanda i.e. the Respondent No. 4, by filing appropriate objection / reply to the notice dated 6.6.2023, issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) in connection with Encroachment Case No. 8 of 2023-24, however, seeks some protection till the final order is passed by the Respondent No. 4 under Section 6(1) of the Act, 1956.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to file appropriation objection / show cause reply before the Respondent No. 4 in the aforesaid Encroachment Case No. 8 of 2023-24, within a period of four weeks from today, which shall be considered by the Respondent No. 4, in accordance with law and the final order under Section 6(1) of the Act, 1956 shall be passed forthwith and till then, status



quo, existing as on today qua the land/ house of the petitioner in question, shall be maintained.

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

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2023
Transmission Date	NA

