

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9823 of 2023

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1. Hari Narayan Singh @ Hari Narayan Sah Son of Late Mathura Sah Resident of resident of Ward Number 6, Village-Jarlahi Mathiya, Post-Mani, Police Station-Bikramganj, District-Rohtas (Sasaram), Bihar.
 2. Rambhu Kumar Singh @ Rambhu Singh Son of Late Kashi nath Singh Resident of resident of Ward Number 6, Village-Jarlahi Mathiya, Post-Mani, Police Station-Bikramganj, District-Rohtas (Sasaram), Bihar.
 3. Baijnath Singh @ Vaidnath Singh Son of Late Baldeo Singh Resident of resident of Ward Number 6, Village-Jarlahi Mathiya, Post-Mani, Police Station-Bikramganj, District-Rohtas (Sasaram), Bihar.
 4. Dipti Giri Son of Late Belas Giri Resident of resident of Ward Number 6, Village-Jarlahi Mathiya, Post-Mani, Police Station-Bikramganj, District-Rohtas (Sasaram), Bihar.
 5. Awadhesh Singh Son of Late Baldeo Singh Resident of resident of Ward Number 6, Village-Jarlahi Mathiya, Post-Mani, Police Station-Bikramganj, District-Rohtas (Sasaram), Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Cum District Magistrate, District-Rohtas at Sasaram.
2. The Collector Cum District Magistrate, District-Rohtas at Sasaram.
3. The Circle Officer, Bikramganj at Bikramganj, District-Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar

For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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(I). For the issuance of writ of certiorari quashing in the notice dated 12 may 2023 issued by the respondents no. 3 whereby the petitioners has been asked to reply to the notice regarding encroachment of land situated at Mauja Mani



(Jarlahi Mathiya) bearing Khata No. 818 kisara no. 1692.

(II) For the issuance of a writ of certiorari quashing letter dated 5 June 2023 of the respondent no. 03 whereby the petitioners have been ordered to remove encroachments from the plot of land situated at Mauja Mani (Jarlahi Mathiya) bearing Khata No. 818 kisara no. 1692, situated at Aahar.

(III) For the issuance of appropriate writ/ direction/ order commanding the respondents for stay of operation of order contain in letter dated 5th June 2023 of the respondent no. 3 whereby the petitioners have been ordered to remove encroachments from the plot of land situated at Mauja Mani (Jarlahi Mathiya) bearing Khata No. 818, Kisara no. 1692, situated at Aahar, until rehabilitation of petitioners by providing at least 3 decimal land and construction of home as per provision and policy for landless persons in the state of Bihar.”

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. 1 of 2023-24, by the Circle Officer, Bikramganj, District-Rohtas, 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	31.07.2023
Transmission Date	NA

