

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10424 of 2023

1. Mohan Paswan Son of Mahendra Paswan Resident of Village- Kharaj Shahpur, P.O.- Lal Shahpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga.
2. Bharat Ram, Son of Chandradeo Ram Resident of Village- Kharaj Shahpur, P.O.- Lal Shahpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga.
3. Yogender Mandal, Son of Surat Mandal Resident of Village- Kharaj Shahpur, P.O.- Lal Shahpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga.
4. Rajdev Ram @ Ramdev Ram, Son of Chhedi Ram Resident of Village- Kharaj Shahpur, P.O.- Lal Shahpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga.
5. Upender Ram, Son of Chhedi Ram Resident of Village- Kharaj Shahpur, P.O.- Lal Shahpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga.
6. Sikindra Ram @ Sakinder Ram, Son of Chhedi Ram Resident of Village- Kharaj Shahpur, P.O.- Lal Shahpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga.
7. Mosmat Kamali Devi, Wife of Late Ramanand Ram Resident of Village- Kharaj Shahpur, P.O.- Lal Shahpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
3. The Secretary, Social Welfare Department, Govt. of Bihar, Patna.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The District Magistrate cum Collector, Darbhanga.
6. The Deputy Collector Land Reforms, Darbhanga.
7. The Circle Officer, Bahadurpur, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manju Sharma, Adv.
For the Respondent/s	:	Mr.Rishi Raj Sinha, SC-19
		Mr. Atul Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-11-2023 The present writ petition has been filed seeking the following reliefs:-



“1(i). For issuance of appropriate writ/writs, order/ orders, direction/directions for quashing of the notice dated 24-04-2023, issued in the respective name of the petitioners under section 3 of Bihar Public Land Encroachment Act calling them to show their cause as to why encroachment made by them on plot no. 168 and 169, Thana no. 311 of Thana Marabi O P, village- Kharaj Shahpur which are public land, have not been removed.

(ii). For issuance of appropriate writ/writs, order/orders, direction/directions, commanding the respondent authorities to make arrangement for the settlement of the petitioners by providing them homestead land under different welfare scheme launched by the State of Bihar to provide homestead land and housing to the weaker section of society like the petitioners.”

2. At the outset, the learned counsel for the Respondent-State has referred to the counter affidavit, filed in the present case, to submit that the Circle Officer, Bahadurpur, has passed the final order dated 5.8.2023, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No. 1 of 2023-24, against the petitioners no. 1, 2, 3 and 6, hence, in case these petitioners are aggrieved, they may file appropriate appeal before the appellate authority.



3. It is further submitted that as far as the petitioners no. 4, 5 and 7 are concerned, since they are landless, Land Settlement Parwanas have been issued in their favour, which have been annexed at page nos. 82 to 84 of the counter affidavit, filed by the Respondent-State.

4. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners no. 1, 2, 3 and 6 to file appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

5. It is needless to state that status quo, existing as on today qua the land / houses of the petitioners no. 1, 2, 3 and 6, shall be maintained for a period of four weeks from today, in order to enable them to file appropriate appeal along with a petition for grant of interim relief.

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

(Mohit Kumar Shah, J)

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