

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18177 of 2021**

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1. Aravind Prasad Son of Late Jageshwar Prasad, Resident of Village - Bekapur Chaukabajar, P.S.- Kotwali, District - Munger. At present resident of Mohalla - Purabsarai Road Near Durga Asthan, P.S.- Kotwali, District - Munger.
  2. Rita Gupta, Wife of Aravind Prasad, Resident of Village - Bekapur Chaukabajar, P.S.- Kotwali, District - Munger. At present resident of Mohalla - Purabsarai Road Near Durga Asthan, P.S.- Kotwali, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The Collector, Munger.
4. The S.D.M., Munger.
5. The Circle Officer, Munger.
6. The Khas Mahal Officer, Munger.
7. Sri Hari Prakash Tiwari, son of Late Kashi Prasad Tiwari resident of Mohalla- Chowk Bazar, Near Pandit Din Dayal Chowk, P.S.- Kotwali, District- Munger and presently residing at 20 Station Road, Lucknow, P.O.- Lucknow, P.S.- Hussainganj, District- Lucknow (U.P.) Pin Code- 226001.
8. Sri Prakash Tiwari, son of Late Kashi Prasad Tiwari, resident of Mohalla- Chowk Bazar, Near Pandit Din Dayal Chowk, P.S.- Kotwali, District- Munger and presently residing at 20 Station Road, Lucknow, P.O.- Lucknow, P.S.- Hussainganj, District- Lucknow (U.P.) Pin Code- 226001.
9. Sri Vishwa Prakash Tiwari, son of Late Kashi Prasad Tiwari, resident of Mohalla- Chowk Bazar, Near Pandit Din Dayal Chowk, P.S.- Kotwali, District- Munger and presently residing at 20 Station Road, Lucknow, P.O.- Lucknow, P.S.- Hussainganj, District- Lucknow (U.P.) Pin Code- 226001.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Siya Ram Shashi, Advocate<br>Mr. Indu Bhushan, Advocate                               |
| For the State        | : | Mr. Abbas Haider (Sc6)<br>Mr. Wasi Mohammad, AC to SC-6<br>Mr. Ravish Chandra, AC to SC-6 |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

15    18-09-2023    1.                      The present writ petition has been filed seeking the



following reliefs:-

*“That this is an application for issuance of an appropriate writ and/or order and/or direction commanding the respondents not to disturb possession of the petitioners on the land (Details of which has been given in schedule A of the foot of this application). It is further prayed that the action taken by the respondents in the garb of Bihar Khas Mahal Niti 2011 be held to be without jurisdiction. The action taken in the garb of the Khas Mahal Niti 2011 the final order passed under section 6 of the Public Land Encroachment Act and other actions be quashed. the*

*It is also prayed that the direction be further issued to the respondents that in future taking the selter of Khas Mahal Niti 2011 is illegal as the Niti is not applicable in the case of the petitioners.*

*Schedule A Land and house, standing at Sojhighat, Munger*

*SCHEDULE-A*

| <i>Khata</i> | <i>Khesra</i> | <i>Area</i>                        |
|--------------|---------------|------------------------------------|
| <i>14</i>    | <i>537</i>    | <i>1 Bigha 8 Kathas 14 dhurs.”</i> |

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the order dated 19.08.2021, passed by the Circle Officer, Sadar, Munger, in connection with Encroachment Case No.01 of 2021, by filing



appropriate appeal, under Section 11 of the Bihar Public Land Encroachment 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, the appellate authority shall consider the same on merits, without being impeded by the issue of limitation, and pass appropriate orders, forthwith, in accordance with law.

4. The writ petition stands disposed off as not pressed.

**(Mohit Kumar Shah, J)**

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