

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11085 of 2023

=====

Dinesh Kumar Singh Son of Late ram Jag Singh Resident of Village-
Gosaldih, P.S.-Suryapura, District- Rohtas.

... .. 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 Sub Divisional Magistrate, Bikramganj at Bikramganj, District-Rohtas
4. The Sub Divisional Public Grievance Redressal Officer, Bikramganj at Bikramganj, District-Rohtas
5. The Circle Officer, Suryapura at Suryapura, District-Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-08-2023 1. The present writ petition has been filed seeking the
following relief:-

“(i) For the issuance of writ of certiorari and/or any other writ/direction/order to quash the order dated 13/04/2023 of the respondent no.4 whereby a direction has been issued to the respondent no.5 to remove encroachment from the private (ancestral) land of the petitioner.

(II) For the issuance of writ of certiorari and/or any other writ/direction/order to quash the notice dated 11/07/2023 of the respondent no.5 issued under Bihar Public Land Encroachment Act 1956 in case number 01 /2023-24 whereby the petitioner



has been directed to remove encroachment from the plot of land bearing khatta no.125 situated at village-Gosaldih, PS- Suryapura, District-Rohtas. (III) For the issuance of a writ of mandamus and/or any other appropriate direction / order commanding the respondents to refrain from taking any punitive coercive action against the petitioner while the matter is sub-judice before this Hon'ble court.”

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, Suryapura has already passed the final order dated 10.07.2023, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.01 of 2023-24, hence, in case the petitioner is aggrieved, he may file appropriate appeal.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 10.07.2023, by filing an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

4. 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 petitioner in question, shall be maintained in order to enable the petitioner to file appropriate appeal along with a petition for grant of interim relief.

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

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

