

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11458 of 2023

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1. Deepu Mishra @ Deepu Kumar Mishra Son of Late Ramdev Mishra, resident of Village - Isuapur, P.S.- Kuchaikote, District - Gopalganj.
 2. Ramayan Mishra, Son of Lallan Mishra, resident of Village - Isuapur, P.S.- Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Gopalganj.
2. The Sub-Divisional Officer, Gopalganj.
3. The Circle Officer, Kuchaikote, District - Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vyas Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy (GP18)
	:	Mr. Navnit Kumar, AC to GP 18
For Intervenor	:	Mr. Mukesh Kumar-I

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 12-09-2023

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

“(i) For setting aside the notice issued by the Circle Officer, Kuchaikote for removable of alleged encroachment made over Khata No.-10, Khesra No.-277 measuring area 0.1½ decimal and 0.½ decimal in terms of the order passed U/s 6(2) of the Bihar Public Land Encroachment Act, 1956 in Encroachment Case No.-51/2022-2023 intimated vide going contrary to the measurement report dated 20-5-23 submitted by the concerned Circle Amin suffered from



nullity on the basis of jurisdiction as well as non-observance requirements of natural justice.“

2. At the outset, the learned counsel for respondent-State has submitted by referring to the counter affidavit filed in the present case that the Circle Officer, Kuchaikote, Gopalganj has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) on 23.02.2023, in connection with Encroachment case no. 51 of 2022-23, hence, in case the petitioners are aggrieved, they may file appropriate appeal under Section 11 of the Act, 1956.

3. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 23.02.2023, by filing appropriate appeal, however seeks some protection during the interregnum period. 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 petitioners in question shall be maintained in order to enable the petitioners to file appropriate appeal along with a petition for grant of interim relief.



5. At this juncture, the learned counsel for the proposed intervenor- respondent namely Ratneshwar Kumar submits that he has filed an interlocutory application for intervention, copy whereof is sought to be filed in the Court itself, though the same has already been filed by the online mode, which is taken on record. The learned counsel for the proposed intervenor- respondent seeks liberty to intervene in the proposed appeal, to be filed by the petitioner. Liberty so sought, is granted.

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

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2023
Transmission Date	NA

