

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12038 of 2023

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Ramji Mishra, son of Late Yaduvansh Mishra, resident of Village-
Pitambarpur, P.S. Sheosagar, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub-Divisional Officer, Rohtas at Sasaram.
4. The Sub-Divisional Grievances Redressal Officer, Rohtas at Sasaram.
5. The Circle Officer, Kochas, District Rohtas.
6. The Station House Officer, Sheosaar, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-10-2023 1. The present writ petition has been filed seeking the following reliefs:-

“(i) To issue writ/ writs, order orders, direction/ directions including a writ in the nature of certiorari for quashing the notice of Encroachment Case No. 22/23-24 dated 13.05.2023 which has been issued by the Circle Officer, Sheosagar, Rohtas (Respondent No.5) with allegation that the aforesaid land has been encroached appertaining Khata No. 50, Khesara No. 108 and Rakba 225 Sq.feet, 24 Sq.feet, 9 Sq.feet respectively as well as Khata No. 50, Khesra No. 126 and Rakba 260 Sq.feet also by the petitioner, whereby the petitioner has



been asked to reply to the notice regarding encroachment of land situated at Mauza Ptambarpur as stated above.

ii) For the issuance of a writ of certiorari for quashing a Form-II in Encroachment Case No. 22/2023-24 of the Respondent no.5 whereby the petitioner has been ordered to remove encroachment from the plot of land situated as village Pitambarpur as stated in above.

iii) For the issuance of appropriate writ/ direction/ order commanding the respondents for stay the operation of order contained in the notice dated 13.05.2023 of the respondent no.5 whereby the petitioner has been ordered to remove encroachment from the plot of land situated at village Pitambarpur bearing Khata No. 50, Khesara No. 126 and Rakba 260 Sq.feet, Khata No. 50, Khesra No. 108 and Rakba 225 Sq.feet, Khata No. 50, Khesra No. 108 and Rakba 9 Sq.feet the petitioner has been constructed his house since 40 years in his personal land.”

2. The learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record.

3. After some arguments, the learned counsel for the petitioner seeks to challenge the order dated 26.06.2023, passed by the Circle Officer, Sheosagar, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with



Encroachment Case No.22 of 2023-24, by filing appropriate appeal. 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)

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