

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12401 of 2023

1. Upendra Ram Son of Basu Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
2. Renu Kunwar, Wife of Awadhesh Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
3. Manju Devi @ Manju Kunwar, Wife of Arjun Singh Chandrawanshi Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
4. Sudesh Ram, Son of Soharai Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
5. Manoj Ram, Son of Ravindra Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
6. Suresh Ram, Son of Sohrai Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
7. Shivnandan Ram, Son of Late Lalu Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
8. Jotari Kunwar, Wife of Marachhu Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
9. Govind Ram, Son of Pratap Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
10. Bhimal Chandwanshi @ Bhimal Singh, Son of Shivjogi Singh Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
11. Kishunlal Ram, Son of Amerika Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
12. Harilal Ram, Son of Late Amerika Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
13. Pravesh Ram, Son of Late Amerika Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
14. Deepak Ram, Son of Janaki Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
15. Sanjay Ram, Son of Late Dashrath Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
16. Chanardhan Ram, Son of Late Lochan Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).
17. Nagdev Ram, Son of Feku Ram Resident of village- Gangahar, Banahara, P.O.-Charan Kala, P.S.-Mali, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate-cum-Collector, Aurangabad,



3. The Sub-Divisional Magistrate, Aurangabad.
4. The Circle Officer, Nabinagar, Aurangabad.
5. The Office In-Charge, Mali Police Station, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-11-2023 The present writ petition has been filed
seeking the following reliefs:-

"1. i. For setting aside directions contained in Notices dated 22.07.2023 issued by the Circle Officer, Nabinagar, Aurangabad under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred as ("Encroachment Act") in Case No. 07/2017-18 whereby and whereunder the petitioners have been directed under Section 6(1)(c) of Encroachment Act to vacate their houses/place of residence situated at village-Gangahar within Panchayat Sonoura, Block-Nabinagar at Thana No. 379, Khata No. 25, Plot No. 2 under Mali Police Station, and
ii. For stay on demolition of houses/places of residence of petitioners residence situated at village- Gangahar within Panchayat



*Sonoura, Block- Nabinagar at Thana No. 379, Khata No. 25, Plot No. 2 under Mali police station, and
iii. For direction to respondent authorities to grant of bandobasti certificate to petitioners after due verification and satisfaction.”*

2. At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record, wherein an order dated 22.07.2023 passed by the Circle Officer, Nabinagar, District-Aurangabad in connection with Encroachment Case No. 7 of 2017-18 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, (hereinafter referred to as the ‘Act, 1956’), has been annexed.

3. The learned counsel for the petitioners submits that the petitioners be granted liberty to assail the aforesaid order dated 22.07.2023, by filing appropriate appeal under Section 11 of the 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/houses of the petitioners in question shall be maintained in order to enable the petitioners to file appropriate appeal along with an application for grant of interim relief.

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

(Mohit Kumar Shah, J)

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