

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12625 of 2023

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1. Sanjay Kumar Jha Son of Vidyanand Jha, resident of Village-Bairampur, Post-Bairampur, Police Station-Biraul, District-Darbhanga.
 2. Ram Naresh Choudhary, son of Late Gopal Choudhary, resident of Village-Bairampur, Post-Bairampur, Police Station-Biraul, District-Darbhanga.
 3. Bhagwan Roy, Son of Late Kari Roy, resident of Village-Bairampur, Post-Bairampur, Police Station-Biraul, District-Darbhanga.
 4. Rajiv Kumar Choudhary @ Rajeev Choudhary, son of Bhagwan Choudhary, resident of Village-Bairampur, Post-Bairampur, Police Station-Biraul, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms and Revenue Department, Bihar, Patna.
2. The Secretary, Land Reforms and Revenue Department, Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The Collector-cum-District Magistrate, Darbhanga.
5. The Additional Collector, Darbhanga.
6. The Sub-Divisional Officer, Biraul, Darbhanga.
7. The Circle Officer, Biraul Anchal, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Jha, Adv.
For the Respondent/s	:	Mr.Sajid Salim Khan (SC-25)
		Mr.Arif Daula Siddiqui, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1.i. For issuance of appropriate Writ/s, Order/s, Direction/s in the nature Certiorari for quashing the notice dated 04.08.2023 contain in Praptra- II in Encroachment Case No. 57/2022-23, issued by the Respondent No. 7 Circle Officer, Biraul,



Darbhanga, whereby and under the Respondent No. 7 directed the petitioners to remove the encroachment over the land situated at Mauza Bairampur, Khata No. 270(New), Khesra No. 738, 740, 741, 742, 743 till 19.08.2023 that too without following the due process of law and without passing a final order U/S 6 of the Bihar Land and Encroachment Act, 1956.

ii. For issuance of writ in the nature of command directing to the superior authority to take necessary action against the Respondent No. 7, who has even no knowledge interpret the meaning of due process of law and also for illegally demolishing the part of the residential house of the petitioners that too without even following the due process of law as prescribed in Bihar Public land Encroachment Act 1956.

iii. For issuance of appropriate writ/s, order/s, direction/s to the respondent No. 7 to not take any coercive action over the land in question as mentioned in the Notice dated 04.08.2023, passed in Encroachment Case N0.57 of 2022-23 against the petitioners in Encroachment Case No.57 of 2022-23 against the petitioners.”

2. The learned counsel for the petitioners, at the outset, seeks liberty on behalf of the petitioners to challenge the order dated 31.07.2023, passed by the Circle Officer, Biraul, District-Darbhanga, in connection with Encroachment Case



No.57 of 2022-2023, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), by filing appropriate appeal under Section 11 of the Act, 1956. Liberty so sought is granted.

3. 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.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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