

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12794 of 2023

=====

Shatrudhan Thakur Son of Late Ravvi Thakur, 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
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

“1(i). For Issuance of appropriate Writ/s, Order/s,
Direction/s in the nature certiorari for Quashing
the Notice dated 04.08.2023 contained in Praptra
II in Encroachment case No. 57/2022-23 issued
by the Respondent No. 7 Circle Officer, Biraul,
Darbhanga, whereby and whereunder the
Respondent No. 7 directed the petitioner to
remove the encroachment over the land situated
at Mauza Bairampur, Khata No. 79(Old) Khesra
No. 474(Old) Khata No. 271 (New), Khesra No.
708 (New) Total Rakbwa 2 Kattha till 19.08.2023



that too without following the due process of law without passing a final order U/s 6 of 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 petitioner 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 4.8.2023, passed in Encroachment Case No. 57 of 2022-23 against the petitioner.”

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the final order dated 31.7.2023, passed, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), by the Circle Officer, Biraul, Darbhanga, in connection with Encroachment Case No. 57 of 2022-23, 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 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.

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

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

