

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12795 of 2023

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1. Shyam Narayan Singh Son of Late Baikunth Singh Resident of village-Momindpur, P.S. and Circle-Hilsa, District- Nalanda.
 2. Ram Sagar Singh, Son of Late Baikunth Singh Resident of village-Momindpur, P.S. and Circle- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue Department, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Collector, District Nalanda at Biharshariff.
5. The Deputy Collector, Land Reforms, Hilsa District- Nalanda at Biharshariff.
6. The Sub- Divisional Officer, Hilsa, District- Nalanda at Biharshariff.
7. The Circle Officer, Circle Hilsa, District- Nalanda at Biharshariff.
8. The SHO, Hilsa Police Station, District- Nalanda at Biharshariff.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Adv.
For the Respondent/s	:	Mr.Md. Khurshid Alam, AAG-12 Mr.Ebadur Rahman Shakeb, AC to AAG-12

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 directing and commanding the respondent to quash the notice dated 14.8.2023 (Ann-P/4) passed by respondent no.-7, the Circle Officer, Hilsa, Biharshariff whereunder and whereby respondent no-7 has given a direction to petitioners to remove the encroachment on or before 25.8.2023 otherwise encroachment would



be removed on dated 25.8.2023 at the cost of the petitioners, as the Encroachment Case No. 31/2022-23 "The State of Bihar Vs Manish Kumar & ors", is pending before respondent no.7, the Circle Officer, Circle Hilsa, District- District-Biharshariff at Nalanda.

(ii) For directing and commanding the respondent to stop the demolition process against the house/cowshed of the petitioners during the pendency of the Encroachment Case No. 31/2022-23 "The State of Bihar Vrs Manish Kumar & ors", pending before respondent no.7, the Circle Officer, Circle Hilsa, District- District-Biharshariff at Nalanda, as till date no final order has passed in aforesaid case.

(iii) Also for directing and commanding the respondent not to dispossess the petitionery families who having possession over land in question since more than last 100 years.

(iv) And also for directing and commanding the respondent to dispose of the Encroachment Case No. 31/2022-23, pending before respondent no.- 7, the Circle Officer, Hilsa, after considering the show-cause dated 31.5.23 filed by the petitioners."

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the final order dated 10.06.2023, passed by the Circle Officer, Hilsa, District-Biharsharif at Nalanda, in connection with



Encroachment Case No.31 of 2022-23, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment 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 alongwith 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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