

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15228 of 2022

=====

Ram Mohan Raman S/o Late Chandra Narayan Yadav Resident of Village-
Khunt Ucharit, P.S.- Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Secretary Department of Revenue and Sub Land Reforms, Bailey Road, Patna.
2. The Secretary, Department of Revenue and Land Reform, Bailey Road, Patna.
3. District Magistrate, Purnea.
4. The Deputy Collector Land Reforms, Banmankhi Sub Division Banmankhi, District- Purnea.
5. The Circle Officer, Banmankhi Police Station- Banmankhi.
6. Head Master, High School Village Khunt, Police Station- Banmankhi, District- Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vikram Singh, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha (SC 19)
	:	Mr. Atul Shankar, AC to SC 19

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 04-07-2023

1. The present petition has been filed seeking the following reliefs :-

“(i) For issuance of appropriate writ/ writs, order/ orders, direction/ directions for quashing of the notice dated 20.04.2022 issued by the Respondent No. 5 in encroachment case No. 02/2021-22 directing the petitioner to vacate the part of encroached land appertaining to Mauja-madhuban (wrongly mentioned as mauja Ram Nagar Farsati), Thana No.- 15, Khatta No.-118, Khesra (Plot) No.



1125, Area about 13.88 acre without giving any opportunity of hearing as well as without making any enquiry relating to the possession of the petitioner over those land as UNDER RAIYAT under Bihar Tenancy Act read serial after.

*(ii) For issuance of appropriate writ/ writ, order/ orders, direction/ directions commanding the respondents to pass appropriate order under B.T. Act as the nature of land being the agriculture land not being the public land which is cultivated by the petitioner and his family members since long as **under raiyat**.*

(iii) For issuance of appropriate writ/ order/ orders/ direction/ directions commanding the respondents to stay their hands in proceeding further the Encroachment case no. 02 of 2021-22 till the disposal of instant writ application by this Hon'ble Court. ”

2. The learned counsel for the respondents has referred to the counter affidavit filed by the respondent no. 3 to submit that the Circle Officer, Banmankhi, District-Purnea has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) on 05.05.2023 in



connection with Encroachment case no. 02 of 2021-22, hence, if so advised, the petitioner may file an appeal under Section 11 of the Act, 1956.

3. At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to challenge the aforesaid order dated 05.05.2023 by filing an appeal under Section 11 of the Act, 1956, however, some protection be granted during the interregnum period.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file appropriate appeal, challenging the aforesaid order dated 05.05.2023 and in case, such an appeal is filed within a period of four weeks from today, the same shall be considered on merits, without the appellate authority being impeded by the issue of limitation and a reasoned and a speaking order shall be passed thereon, forthwith, however, in order to enable the petitioner to file such an appeal, *status quo* existing as on today *qua* the land/ house of the petitioner in question shall be maintained for a period of six weeks from today.



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

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.07.2023
Transmission Date	NA

