

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13680 of 2023

1. Dayanand Babunarayan S/o Late Babunarayan Choudhary, permanent resident of village and Post- Bairampur, P.S.- Biraul, District - Darbhanga, Bihar.
2. Sadanand Babunarayan Chaudhari, S/o Late Babunarayan Choudhary, permanent resident of village and Post - Bairampur, P.S.- Biraul, District - Darbhanga, Bihar, presently resident of- Room No. 414, Jadhav Town Ship, Ambad Link Road, Chunchale Gaon Khalache, Ambad Khurd, Nashik, P.O and P.S-Ambad, District - Nashik, Maharashtra.
3. Radheshyam Babunarayan Chaudhary, S/o Late Babunarayan Choudhary, permanent resident of village and Post - Bairampur, P.S.- Biraul, District- Darbhanga, Bihar, presently resident of Room No. 414, Jadhav Town Ship, Ambad Link Road, Chunchale Gaon Khalache, Ambad Khurd, Nashik, P.O and P.S- Ambad, District - Nashik, Maharashtra.
4. Harish Chandra Choudhary @ Bhutto Choudhary, S/o Late Babunarayan Choudhary, permanent resident of village and Post- Bairampur, P.S. - Biraul, District - Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Darbhanga.
2. The Collector, Darbhanga at and P.O- Laheriasarai, Town and District- Darbhanga.
3. The Circle Officer, Biraul, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manish Jha, Adv.
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 ORDER

3 17-10-2023

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

“I. To quash / set-aside notice dt. 4.8.2023 in Form-II (Annexure-P 3) issued by the Circle Officer, Biraul, Darbhanga (Respondent No. 3) in Encroachment Case No. 57/2022-23 whereby petitioner has been ordered to remove the encroachment or else the same will be removed by



*use of Police force and,
II. To quash / set-aside the Encroachment Case No.
57/ 2022-23 initiated by the Circle Officer, Biraul,
Darbhanga (Respondent No. 3) against the
petitioner and,
III. To direct the Circle Officer, Biraul, Darbhanga
(Respondent No. 3) not to disturb the physical
possession of the petitioner over his purchased
land and residential building situated thereon since
last 40 years.”*

2. At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record.

3. The learned counsel for the petitioners, at this juncture, 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 2022-23, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment 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/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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