

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13611 of 2023

-
1. Sushil Choudhary S/o Late Mahendra Choudhary Permanent Resident of Village and Post-Bairampur, P.s.-Biraul, District-Darbhangha, Bihar, Presently Resident of -D-302, Tirupati Residency, N/R Balaji Temple, Amli, Silvassa, P.O. and P.S.-Silvassa, Dadra and Nagar Haveli.
 2. Shambhu Choudhary S/o Late Mahendra Choudhary Permanent Resident of Village and Post-Bairampur, P.S.-Biraul, District-Darbhangha, 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-Darbhangha.
3. The Circle Officer, Biraul, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Jha, Adv.
For the Respondent/s : Mr.Sajid Salim Khan (SC- 25)
Mr.Wasi Ahmad Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1.I. To quash/set-aside notice dt. 4.8.2023 in Form-II (Annexure- P 5 Series) 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, wherein it has been stated that the Circle Officer, Biraul, Darbhanga has already passed the final order dated 31.07.2023, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.57 of 2022-23.

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-Darbhangha, 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)

sonal/-

U			
---	--	--	--

