

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13313 of 2023**

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1. Sujay Singh @ Sujay Sharma Son of Madan Singh, Resident of village - Bandhuganj, P.S. - Ghosi, Anchal- Modanganj, District - Jehanabad, Bihar.
  2. Vijay Sharma, Son of Madan Singh, Resident of village - Bandhuganj, P.S. - Ghosi, Anchal- Modanganj, District - Jehanabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Jehanabad.
3. The Sub Divisional Officer, Jehanabad, District - Jehanabad.
4. The Circle Officer, Anchal - Modanganj, District - Jehanabad.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar  
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      05-10-2023                      The present writ petition has been filed seeking the following reliefs:-

“1(i). For quashing of notice dated 08-04-2023 (Praptra-II) U/s 6(2) of Bihar Public Land Encroachment Act, 1956 in Encroachment Case No. 12/2022-23 which was issued without passing final order before issuing the said notice and also during the pending appeal before the respondent Collector bearing Appeal No. 19/2023- 24.

(ii) For staying the operation of notice dated 08-04-2023 by which petitioners have been given order to remove encroachment from the land in question otherwise with the help of police forces,



the same will be removed and the cost shall be recovered from petitioners.

2. At the outset, the learned counsel for the Respondent-State seeks to file a counter affidavit, which is taken on record, wherein the final order dated 30.1.2023, passed by the Circle Officer, Modanganj, District-Jehanabad, in connection with Encroachment Case No. 12 of 2022-23, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, has been annexed.

3. Per contra, the learned counsel for the petitioners submits that the petitioners have already preferred an appeal, hence, some protection be granted during the interregnum period to enable them to obtain interim orders in the aforesaid appeal.

4. Accordingly, I deem it fit and proper to dispose off the present writ petition with a direction that for a period of four weeks from today, status quo, existing as on today qua the land / houses of the petitioners in question, shall be maintained in order to enable the petitioners to obtain interim orders in the pending appeal.

**(Mohit Kumar Shah, J)**

Ajay/-

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