

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13314 of 2023

1. Vinod Singh @ Vinod Sharma Son of Sahab Singh Resident of Village-Bandhuganj, Gandhar Arazi, Ps- Ghosi, Anchal- Modanganj, District-Jehanabad, Bihar.
2. Awadhesh Sharma Son of Munki Singh Resident of Village-Bandhuganj, Korman, PS- Ghosi, Anchal- Modanganj, District-Jehanabad, Bihar.
3. Rinku Devi Wife of Shailendra Sharma Resident of Village-Bandhuganj, PS- Ghosi, Anchal- Modanganj, District-Jehanabad, Bihar.
4. Parbati Devi Wife of Madheshwar Sharma Resident of Village-Bandhuganj, PS- 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

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Respondent/s : Mr. Navnit Kumar, AC to GP-18

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.
- (ii). For staying the operation of notice dated 8.4.2023 by which the 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 the petitioners.”

2. At the outset, the learned counsel for the Respondent-State has submitted that the Circle Officer, Modanganj, District-Jehanabad, has already passed the final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, on 30.1.2023, in connection with Encroachment Case No. 12 of 2022-23, hence, in case the petitioners are aggrieved, they may prefer appropriate appeal.

3. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 30.1.2023, by filing appropriate appeal, however, seeks some protection during the interregnum period. 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 / houses of the petitioners in question, shall be maintained, in order to enable them to file appropriate appeal and obtain interim orders.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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