

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15377 of 2022

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Shiv Pujan Ram Son of Late Ram Surat Ram, Resident of Village- Lamounia,
Police Station- Sugouli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Collector, District- East Champaran at Motihari.
4. The Sub Divisional Officer, Sub Division- Sadar Motihari, District- East Champaran at Motihari.
5. The Circle Officer, Anchal Sugauli, District- East Champaran at Motihari.
6. The Officer in Charge Sugauli Police Station, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jai Prakash Singh, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC19)
	:	Mr. Atul Shankar, AC to SC 19

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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 a writ in the nature of certiorari to quash the notice dated 17.09.2022 (Annexure 1) issued under the signature of Circle Officer, Sugauli, whereby and where under the petitioner has been directed to remove the encroachment from the land appertaining



to Khata No. 138, Plot No. 698/1 under Thana No. 31 admeasuring 3 Decimal in Mauza - Sugaon under Circle Office - Sugauli, District - East Champaran upon which the 'two storeyed house of the petitioner is situated and the petitioner's ancestor were living over the land since about more than 100 years ago, thereafter the petitioner is residing over the land from his birth.

(ii) For issuance of a writ in the nature of Mandamus directing and commanding the respondent authorities not to disturb petitioner's peaceful possession on the land. As per the Central and State Policy, the poor persons as well as Schedule Caste and Scheduled Tribes are being rehabilitated by the State who has no land.”

2. The learned counsel for the respondents has referred to the counter affidavit filed by the respondent no. 5, to submit that the Circle Officer, Sugauli, District-East Champaran at Motihari 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 12.04.2023 in connection with Encroachment case no. 10 of 2018-19, 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 12.04.2023 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 12.04.2023 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2023
Transmission Date	NA

