

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14520 of 2023

1. Rinku Devi W/o Deepak Rai Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.
2. Deepak Rai S/o Late Charitra Rai Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.
3. Sheoji Choudhary @ Shiv Shankar Choudhary S/o Late Jiv Choudhary Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.
4. Jagdish Prasad Agrawal @ Jagdish Pd. Agrawal S/o Late Banarsi Das Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.
5. Amit Sah @ Amit Kumar S/o Doman Sah Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.
6. Ram Uday Singh S/o Late Yugal Singh Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.
7. Ramashish Mahto S/o Late Darogi Mahto Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.
8. Anjani Singh S/o Late Sukhdeo Singh Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.
9. Ram Prakash Sah S/o Late Ram Ratan Sah Resident of Village- Daniyalpur, P.S.-Teghra, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector-Cum-District Magistrate, Begusarai.
3. The Sub-Divisional Magistrate, Teghra, District-Begusarai.
4. The Land Reforms Deputy Collector, Teghra, District-Begusarai.
5. The Circle Officer, Teghra, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Sahi, Sr. Advocate
		Mr.Suneil Kumar Thakur, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-10-2023 The present writ petition has been filed
seeking the following reliefs:-



“1. (i) To issue an appropriate writ (s)/order(s)/direction(s) in the nature of a writ of Certiorari for quashing of the order dated 20.07.2023 as contained in Memo No. 2705/Vidhi, dated 11.08.2023 passed by the respondent Collector-cum- District Magistrate, Begusarai, whereby and whereunder dismissing the Encroachment Appeal Case No. 11/2023 (Rinku Devi & Others Vs. State) and thereby affirming the order dated 19.11.22 passed in Encroachment Case No. 01/21-22 by the Circle Officer, Teghra has been pleased to direct the respondent Circle Officer, Teghra inter alia to remove the encroached land barring the six Jamabandi raiyats and after cancelling of the jamabandi of the six Jamabandi raiyats, the public lands encroached by them would also be made encroachment free.

(ii) To issue an appropriate writ (s)/order(s)/direction(s) in the nature of a writ of Certiorari for quashing of the Notice as contained



in Prapatra-II issued by and under the signature of the respondent Circle Officer, Teghra, whereby and whereunder the petitioners have been ordered to remove encroachment from the land being Plot No. 8745 situated at Village -Gaura, Thana No. 329, P.S.-Teghra, District-Begusarai (hereinafter referred to as the land in question) by 25.09.2023 or else the same would be made evicted by them.

(iii) To issue an appropriate writ (s)/order(s)/direction(s) in the nature of a writ of Mandamus commanding and directing the respondent authorities not to evict the petitioners from the land in question."

2. At the outset, the learned senior counsel for the petitioners submits that since the petitioners have already preferred a title suit bearing Title Suit No. 133 of 2023, which is pending adjudication before the learned court of Civil Judge, Senior Division, Teghra, District-



Begusarai, they be granted liberty to prosecute the same, however, some protection be granted during the interregnum period, in order to enable the petitioners to obtain injunction in the said suit. Liberty, so sought, is granted.

3. It is needless to state that for a period of eight weeks from today, status quo existing as on today qua the land/houses of the petitioners shall be maintained, in order to enable the petitioners to seek injunction in the aforesaid pending suit.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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