

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14270 of 2023

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Sunil Kumar Son of Late Amrit Singh Resident of Mohalla-Duzra Road, P.S.
Buddha Colony, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The District Magistrate Cum Collector, Gaya.
3. The Circle Officer, Bodhgaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyabir Bharti, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-10-2023

1. The present writ petition has been brought under the heading 'To be Mentioned' at the instance of the learned counsel for the petitioner inasmuch as he seeks to withdraw the present writ petition, however, with liberty to avail such remedies as are otherwise available under the law, including that of filing a suit before the learned Civil Court having competent jurisdiction and during the interregnum period seeks some protection.

2. The present writ petition has been filed seeking the following relief(s):-

“1(i) Issuance of a writ of certiorari, quashing the Notice dated 23.09.2023 (received on 26.09.2023) issued in Form II, by the Circle Officer, Bodh Gaya in Land Encroachment Case no. 04/2022-23 (Annexure-8, page-83), by which in purported exercise of powers conferred under Section 6(2) of



the Bihar Public Land Encroachment Act, 1956, the petitioner has been directed to encroachment over an area of 9900 sq feet, falling under plot no. 84 & 86 Khata No. 166, Village Dhanawa, Bodh Gaya;

(ii) Issuance of a writ of certiorari, quashing the notice dated 26.09.23, as contained in letter no 1411(Annexure-9, page-84), by which in an exercise of powers, unknown to law and without initiating any proceeding whatsoever, claiming that plot no 85, Khata No 166, Thana No 351, Mauja Dhanawa having an area of 30 decimal, over which illegal construction is being carried out, is land owned by the State Government, the petitioner has been directed to forthwith stop construction over the plot. failing which action shall be taken in accordance with law.”

3. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, including that of filing a suit before the learned Civil Court having competent jurisdiction for redressal of the aforesaid grievances. 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 petitioner in question shall be maintained in order to enable



the petitioner to avail such remedies as are otherwise available under the law.

5. Accordingly, the writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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