

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15861 of 2023

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1. Sudhir Prasad Son of Late Hari Mahto Resident of Village- Barraaj, P.O- Ekangardih P.S.and Anchal - Ekangar Sarai, Distt.-Nalanda (Bihar)
 2. Rajesh Prasad @ Rajesh Kumar Son of Late Hari Mahto Resident of Village- Barraaj, P.O- Ekangardih P.S. Anchal - Ekangar Sarai, Distt.-Nalanda (Bihar)
 3. Sunil Prasad @ Sunil Kumar Son of Late Hari Mahto residents of Village- Barraaj, P.O- Ekangardih P.S.and Anchal - Ekangar Sarai, Distt.-Nalanda (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Nalanda
2. The Collector of the District (DM), Nalanda
3. The Sub-Divisional Officer, Hilsa, Nalanda
4. The Circle Officer (C.O.) Ekangar Sarai, Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Nath Jha, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan (SC- 25)
		Mr. Arif Daula Siddique, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-11-2023 The present writ petition has been filed
seeking the following relief:-

*“1.(i) Quashing/setting aside the
impugned order dt. 14.09.2023
(Annx- P/2 series) passed by the
Resp. no.-4 u/S 6(1) of the Bihar
Public Land Encroachment Act,
1956 (hereinafter referred to as
'Act) in Land Encroachment Case
No.-97 of 2022-23, whereby and*



whereunder he has directed to issue notice upon the petitioners to remove the alleged encroachment from the lands in question.

(ii) Quashing/setting aside the order dt. 05.10.2023 (Annx- P/2 series) passed by the Resp. No.-4 in Land Encroachment Case No.-97 of 2022-23 whereby and whereunder direction has been issued by him to depute Magistrate and the Police Force for removal of the alleged encroachment from the lands in question.

(iii) Directing the respondent-authorities to drop the said Encroachment Proceeding No.- 97 of 2022-23, so far as it is related to the petitioners, as the same has illegally been initiated against the lands of the petitioners, and not to demolish the residential premises of the petitioners standing over the same.

(iv) Holding and declaring that the lands in question are not a public land, but out and out, personal lands of the petitioners, and there is no encroachment at all on the said



lands by the petitioners. The initiation of impugned proceeding is an arbitrary, malafide and unreasonable action on behalf of the Resp. No.-4.

(v) Holding and declaring that without hearing/deciding the objection of the petitioners the learned Resp. No. 4 had no jurisdiction to pass the impugned orders as contained in Annx-P/2 series hereto for eviction of the petitioners.

(vi) Restraining the respondents-authorities from dispossessing and from demolishing the house of petitioners from the lands in question till pendency of this writ application before this Hon'ble Court."

2. After some arguments, the learned counsel for the petitioners seeks liberty to challenge the order dated 14.09.2023, passed by the Circle Officer, Ekangar Sarai, District-Nalanda, in connection with Encroachment Case No. 97 of 2022-23, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act,



1956. Liberty, so sought, is granted.

3. 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.

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

(Mohit Kumar Shah, J)

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