

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18356 of 2022

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Jay Kishor Yadav Son of Late Jivachch Yadav Resident of village -
Harishwada, P.S. - Khajauli, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Department of Revenue and Land Reforms Bihar, Patna
2. The Divisional Commissioner Darbhanga Division Darbhanga
3. The Collector cum District Magistrate Madhubani
4. The Additional Collector Madhubani
5. The Sub Divisional Officer Sadar Madhubani
6. The Deputy Collector Land Reforms Sadar Madhubani
7. The Circle officer Kharauli District Madhubani
8. Surya Narayan Yadav Son of Late Ram Sharan Yadav Resident of village -Harishwadea, P.S. - Khajauli, District - Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Adv.

For the Respondent/s : Mr.Ebadur Rahman Shakeb, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i). To issue an appropriate order/s, direction/s including a writ preferably in the Nature of CERTIORARI for quashing the entire proceedings of encroachment Case No. 6/22-23, initiated by he Circle Officer, Khajauli Collector Appointed under the Bihar Public Land Encroachment Act 1956 whereby and whereunder he has directed to issue notice and asked show cause to the petitioner and villagers



along with evidence with respect to taking possession of the land in view of enquiry report submitted by Amin pursuant to application made by private respondent to as well as in terms of letter No. 621 L.R. Sadar Madhubani dated 6-4-2022.

(ii). To quash the notice no. 43/XI dated 6-10-22 issued by the Circle Khajauli in connection with Encroachment Case No. 6/22 under Section 3 of the Bihar Public Land Encroachment Act, 1956 directing the petitioner as to why the encroachment should not be removed from the land by 25-10-2022 measuring 472 Dec appertaining to Thana No. 96 P.S. Khajauli District Madhubani Khata No. 105 (old) Khesra No. 1333 old situated in village Harishwada P.S.Khajauli District Madhubani.

(iii) To quash the notice No. 78/XI and 92 XI dated 14-11-2022 issued by the Circle Officer Khajauli in connection with encroachment case No. 06/22 under section 6(2) of Bihar Public Land Encroachment Act 1956 directing the petitioner to comply with the order by 2-12-2022 as such order has been passed under section 5 (i) (C) of the Bihar Public Land encroachment Act 1956 directing for removal of encroachment from the land having its Nature Garimazarua Khas, appertaining to Khata No. 104 (old) and 105 (old) Khesara No. 1334 (old),1333 old failing which penalty shall be imposed u/s 1888



of IPC.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the final order, passed by the Circle Officer, Kharauli, District-Madhubani, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No. 06/2022-23, by filing appropriate appeal. Liberty, so sought, is granted.

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 file appropriate appeal and obtain interim orders.

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

(Mohit Kumar Shah, J)

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