

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17966 of 2022

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Urmila Devi Wife of Nawal Kishore Sharma, Resident of Village- Baruna,
Sihuli, Police Station- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Department,
Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Sub-Divisional Officer, Aurangabad.
5. The District Collector Land Reforms, Aurangabad.
6. The Circle Officer, Rafiganj, District- Aurangabad.
7. Anchal Amin, Rafiganj, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (Standing Counsel-19)
		Mr. Atul Kumar, AC to Standing Counsel-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-03-2023 At the outset, the learned counsel for the

respondent-State seeks to file a counter affidavit

which is taken on record.

The present writ petition has been filed for
restraining the respondents from demolishing the
residential house of the petitioner in the garb of an
order passed in connection with Encroachment
Case No. 15 of 2017-18.

The learned counsel for the petitioner has



submitted that the petitioner has already preferred a title suit bearing Title Suit No. 9 of 2018, which is pending before the learned Court of Sub-Judge-I, Aurangabad, Bihar. It is also submitted that the encroachment proceedings, as aforesaid, have been initiated against the husband of the petitioner whereas the land in question belongs to the petitioner, nonetheless, it is submitted that the petitioner be granted liberty to prefer an appeal against the final order dated 18.11.2017, passed by the Circle Officer, Rafiganj, District-Aurangabad, Bihar in connection with Encroachment Case No. 15 of 2017-18 and during the interregnum period, the petitioner be granted some protection.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to file appropriate appeal against the aforesaid order dated 18.11.2017 before the appellate authority and in case such an appeal is filed within a period of eight weeks from today, the same shall be heard on merits and disposed off in



accordance with law within a period of six weeks, thereafter and till then status quo existing as on today qua the residential house of the petitioner in question shall be maintained.

(Mohit Kumar Shah, J)

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