

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2340 of 2023

1. Om Prakash Narayan @ Om Prakash Prasad Son of Khush Mahto Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.
2. Satish Prasad Son of Yugal Kishore Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.
3. Kishori Prasad Son of Meghan Mahto Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.
4. Ramchandra Prasad S/o Ganga Mahto Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.
5. Ramsahay Mahto S/o Banshi Mahto Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.
6. Chando Mahto Son of Budhu Mahto Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.
7. Ajay Kumar @ Ajay Pandit S/o Jamun Pandit Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.
8. Rakesh Kumar Son of Ravindra Prasad Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.
9. Vishun Mahto @ Kishun Mahto S/o Atvari Mahto Resident of Village- Biyabani, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The District Land Acquisition Officer, Nalanda.
5. The Sub-Divisional Officer, Bihar Sharif, Nalanda.
6. Collector (Under Act)-cum-Circle Officer, Bihar Sharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Adv.
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-11-2024 Though the present writ petition has been filed for quashing the notice dated 3.12.2022, issued by the Circle



Officer, Biharsharif, however, at the outset, the learned counsel for the Respondent-State has referred to the counter affidavit filed in the present case to submit that the Circle Officer, Biharsharif, has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) on 16.10.2023, in connection with Encroachment Case No. 4 of 2018-19, hence, in case, the petitioners are so aggrieved they may file appropriate appeal under Section 11 of the Act, 1956.

2. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 16.10.2023, by filing appropriate appeal / appeals, however, seeks some protection during the interregnum period. 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, in order to enable them to file appropriate appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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