

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3727 of 2024**

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1. Birendra Kumar Son of Ramashish Singh @ Ramasheesh Singh Resident of vill. Savajpur, post- Arwal in the district of Arwal.
  2. Anand Kumar Son of Ramshish Sing @ Ramasheesh Singh, Resident of vill. Savajpur, post- Arwal in the district of Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar Through its District Magistrate, Arwal.
2. The Subdivisional Magistrate, Arwal.
3. The Circle Officer Kaler, in the district of Arwal.
4. The Land Reform Deputy Collector, Arwal.
5. Mr. Ajit Kumar son of Late Vishnu Dayal, Vill. Sawajpura post Arwal in the district of Arwal.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Sanjeev Kumar, Advocate          |
| For the State        | : | Mr. Nand Kishore Singh, AC to GP-26 |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      13-05-2024                      The present writ petition has been filed seeking the following relief:-

*“(1). To issue a writ in the nature of certiorari to quash the encroachment proceeding bearing Encroachment case No. 02/2021-22 pending before the Circle Orficer, Kaler (Arwal) over the land of the petitioners who are residing over the same since more than 100 years along with his family members.*

*(II). Also for issuance of a writ in the nature of mandamus restraining the respondents for initiating coercive action against the peaceful possession of the petitioners as well as his family members till the*



*finalizations of the possession of the petitioners over the said land.*

*(III). Also for the stay the operation of the Notice dated 7/03/2022 issued under signature of Circle officer, Kaler, Arwal.”*

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their reply to the notice issued by the Circle Officer, Kaler, under Section 3 of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No.02 of 2021-22, within a period of two weeks from today.

3. The learned counsel for the respondent-State submits that in case appropriate reply/objection is filed by the petitioner, within a period of two weeks from today, the final order shall be passed by the Circle Officer, Kaler, within a stipulated time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file appropriate reply/objection to the notice dated 07.03.2022, within a period of two weeks from today, whereupon the Circle Officer, Kaler shall consider the same, in accordance with law and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, if not already



passed, within a period of six weeks, thereafter and till then, status quo, existing as on today, qua the land/house of the petitioners in question shall be maintained.

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

**(Mohit Kumar Shah, J)**

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