

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2751 of 2024

Subindra Singh S/o Late Keshav Nath Singh R/o Village- Samaspura, P.S.-
Dariyapur, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Additional Collector, Saran at Chapra.
5. The Circle Officer, Dariyapur, District- Saran at Chapra.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Government Pleader (3)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 09-12-2024 1. Though the present writ petition was filed for directing the Circle Officer, Dariyapur, District-Saran at Chapra, i.e. the respondent no.5, to reconstruct the house of the petitioner, which has been illegally demolished, inasmuch as the same was situated over the *rayati* land duly settled in favour of the grandfather of the petitioner by the then ex-landlord, however, at the outset, the learned counsel for the respondents-State has referred to an order dated 12.08.2023, passed by the respondent no.5, in connection with Encroachment case no.2 of 2023-24, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), to submit that in case the petitioner is so aggrieved, he



may file appropriate appeal under Section 11 of the Act, 1956.

2. At this juncture, the learned counsel for the petitioner has submitted that apparently the encroachment proceedings in question were reopened and the petitioner was given a notice by the respondent no.5 on 03.01.2024, in connection with the aforesaid Encroachment Case No.2 of 2023-24, directing him to submit documents with regard to his right, title and interest over the land in question, however, prior to that the house of the petitioner has been demolished although *Jamabandi* is existing in favour of the petitioner, nonetheless the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 12.08.2023, passed by the respondent no.5, by filing appropriate appeal under Section 11 of the Act 1956, however seeks some protection during the interregnum period. Liberty, so sought is granted.

3. It is needless to state that in case appropriate appeal is filed by the petitioner within a period of three weeks from today, raising the aforesaid issues and other issues, as he deems fit and proper, the appellate authority shall consider the same on merits and pass a reasoned and a speaking order, in accordance with law, specifically dealing with all the issues sought to be raised by the petitioner in the said appeal, within a period of six



weeks, thereafter and till then no coercive action shall be taken against the petitioner.

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

(Mohit Kumar Shah, J)

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