

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2987 of 2024

Vijay Singh alias Vijay Kumar Singh Son of Late Rameshwar Singh, Resident of Village- Jagdishpur, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Additional Chief Secretary Revenue Department, Government of Bihar, Patna.
2. The Collector, Siwan.
3. The Additional Collector, Siwan.
4. The Circle Officer, Maharajganj, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr.Ajay Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) Issuance of appropriate writ quashing the notice dated 02.01.2024 issued by respondent No.4 in purported exercise of his power under section 3 of the Bihar Public Land Encroachment Act 1956 thereby initiating proceeding holding the petitioner encroacher on land of Mauja- Jagdishpur, Khata No.59, Plot No.88 area-28 decimal (2 katha 19 dhur) on Dih Basgit land and asking the petitioner to show cause for its removal.

(ii) Issuance of appropriate writ/order that encroachment proceeding under Bihar Public Land Encroachment Act 1856 is not



maintainable over the aforesaid land as the same is not a public land as described in section 2(3) of the said Act and impugned notice including encroachment proceeding is without jurisdiction.

(iii) Issuance of appropriate writ/order to respondent No.4 that once notice u/s 3 of the aforesaid Act was issued way back on 06.10.2021 in Encroachment Case No.12/21-22 and petitioner filed the show cause reply and 2nd notice initiating fresh proceeding is bad in law.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the appeal, filed by the petitioner, bearing Appeal No.63 of 2024-25, before the Collector, Siwan, against the order dated 03.07.2023, passed by the Additional Collector, Siwan, cancelling the Jamabandi of the petitioner, in Jamabandi Cancellation Case No.185 of 2021-22. Liberty so sought is granted.

3. At this juncture, the learned counsel for the petitioner submits that since the petitioner has been residing on the land in question by constructing a house since time immemorial, some protection be granted during the pendency of the aforesaid appeal.

4. Having regard to the facts and circumstances of the



case and in the interest of justice, I deem it fit and proper to direct that till the aforesaid appeal is disposed off by the Collector, Siwan, no coercive action shall be taken against the petitioner.

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

(Mohit Kumar Shah, J)

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