

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2132 of 2024

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Ishwari Prasad Singh Son of Late Keshri Prasad Singh Resident of Village
and PO. Tetradh P.S. Akorhi Gola, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principle secretary, Revenue and Land Reforms,
Bihar, Patna.
2. The District Magistrate, Rohtas(Sasaram).
3. The Circle Officer, Akorhi Gola, district- Rohtas(Sasaram).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.K.M. Choubey, Sr.Advocate Mr.Ashok Kumar Garg, Advocate
For the State	:	Mr.Alok Ranjan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 11-11-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1(i) For issuance of an appropriate writ/writs,
order/orders, direction/directions, in the nature
of certiorari for quashing the notice dated
15.01.2024, issued in Encroachment case
No.11/2023- 24(though served upon the
petitioner on 22.01.2024), in purported
exercise of power under section 3 of the Bihar
Public Land Encroachment act (herein referred
to as "Act"), issued by Circle Officer, Akorhi
Gola, district- Rohtas, asking the petitioner as
to under what circumstances the petitioner has
encroached the land bearing Khata No.223,
Khesra No.863, area 09 Decimal, Thana No.93*



situated in village Tetradh, P.S. Akorhi Gola, district- Rohtas.

(ii) For issuance of an appropriate writ\ writs, order/orders, direction/directions in the nature of mandamus directing the respondent no.3 to not take any action in pursuance of notice dated 15.01.2024, issued by him in Encroachment case no.11 of 23-24, during the pendency of this writ petition.”

2. At the outset, the learned counsel for the petitioner submits that the petitioner has already filed a title suit, bearing Title Suit No.116 of 2019, before the learned Court of Sub-Judge-I, Sasaram at Rohtas, however, the same had stood dismissed for default, whereafter the petitioner has filed a miscellaneous case bearing Miscellaneous Case No.143 of 2023, for restoration of the said suit, hence the petitioner be granted liberty to pursue the said cases. Liberty so sought is granted.

3. At this juncture, the learned counsel for the petitioner seeks some interim protection.

4. Having regard to the prayer made by the learned counsel for the petitioner and in the interest of justice, I deem it fit and proper to direct the respondents to maintain status quo existing as on today qua the land/house of the petitioner in question for a period of eight weeks from today.



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

(Mohit Kumar Shah, J)

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