

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2262 of 2024

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Kusum Devi Wife of Binod Singh Resident of Village- Akurahwa, Tola -
Sripalchak, P.O., P.S. and Circle - Tankuppa, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The Collector-cum-District Magistrate, Gaya.
4. The Additional Collector, Collectorate Gaya, District - Gaya.
5. The Sub-Divisional Officer, Gaya Sadar, District - Gaya.
6. The Circle Officer, Tankuppa Circle, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Onkar Kumar, Advocate Mr. Nawal Kishor Singh, Advocate
For the Respondent/s	:	Government Advocate (5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-08-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1) That this is an application for
issuance of an appropriate writ(s),
order(s) for quashing of the notice
contained in letter no. 610 dated
06.10.2023 issued under the
signature of Respondent No. 6
(Circle Officer, Tankuppa, Gaya)
whereby and whereunder a notice
has been issued to the petitioner
under section 3 of the Bihar Public*



Land Encroachment Act, 1956 in Encroachment Case No. 014/22-23 directing her to remove encroachment appertaining to Khata no.312, khesara no.54, area 90 decimals till 28.10.2023 failing which encroachment will be removed as per law.

And further after quashing of the notice contained in letter no.610 dated 06.10.2023 for issuance of an appropriate writ(s), order(s) for quashing of the entire proceeding of the Encroachment Case No.014/2022-23 initiated by the Respondent no.6 against the petitioner as well as stay the entire proceeding of the Encroachment Case No.014/2022- 23.

And during the pendency of this writ application may stay the operation of the impugned notice contained in letter no.610 dated 06.10.2023 issued under the signature of Respondent No.6 to the petitioner.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 01.04.2023 passed by



the Circle Officer, Tankuppa, District-Gaya in connection with Encroachment Case No. 14 of 2022-23, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956, however, he 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 four weeks from today, the State respondents shall maintain status quo existing as on today, qua the land/house of the petitioner in question, for a period of eight weeks from today in order to enable the petitioner to obtain interim relief in the appeal to be filed by her.

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

(Mohit Kumar Shah, J)

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