

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3851 of 2024

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1. Manoj Kumar Son of Late Pahalwan Mahto @ Pahalwan Singh, resident of Mohalla Naika Gaon (Khilanganj), Ward No.- 22, Town and P.S. Sasaram, District Rohtas.
 2. Shankar Prasad, son of Late Pahalwan Mahto @ Pahalwan Singh, resident of Mohalla Naika Gaon (Khilanganj), Ward No.- 22, Town and P.S. Sasaram, District Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub-Divisional Officer, Sasaram, District Rohtas.
4. The Sasaram Municipal Corporation, Sasaram District Rohtas through its Commissioner.
5. The Municipal Commissioner, Sasaram Municipal Corporation, Sasaram, P.S. Sasaram District Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate
For the State	:	Government Pleader (25)
For the respondentNo.4 & 5;		Mr. Bajarangi Lal, Advocate

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. That this is an application for issuance of an appropriate writ/order for setting aside the notice contained in letter No.5217 dated 23.12.2023 issued by the Municipal Commissioner, Sasaram whereby it has been stated that the petitioners have encroached public land in Kata No.291 Plot No. 126 measuring 36 feet x 11 feet by constructing hut and to remove the same or to



show cause as to why the same be not removed and further to restrain the Respondents from taking any consequential action causing disturbance in the possession of the petitioners over aforesaid land as they are the sons of the settlee of the land by the Ex-Land Lord in 1955 and who has also been issued Parcha (settlement) under the Bihar Privileged Person Homestead Tenancy Act by the competent authority in the year 1976 and living in the dwelling house constructed over there.”

2. At the outset, the learned counsel for the respondent nos. 4 and 5 submits that the encroachment proceedings are underway where the petitioners have already filed their objections and a reasoned and a speaking order shall be passed, within a stipulated time frame, as is fixed by this Court.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Municipal Commissioner, Sasaram Municipal Corporation to dispose off the pending Encroachment Case No.23 of 2023-24, upon considering the reply/objections filed by the petitioners, by passing a reasoned and speaking order, in accordance with law, forthwith, and till then, status quo, existing as on today, qua the land/house of the petitioners in question shall be maintained.



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

(Mohit Kumar Shah, J)

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