

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4086 of 2024

1. Shivkumar Prasad @ Anil Prasad son of Dilak Dev Prasad @ Tilak Mahto, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
2. Balbir Jamadar @ Balbir Prasad, Son of Vishudhari Jamadar @ Ramcharan Mahto, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
3. Kamal Mahto son of Late Balgovind Mahto, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
4. Karu Jamadar @ Karan Jamadar, Son of Vishudhari Jamadar, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
5. Brajesh Kumar @ Brajesh Jamadar, Son of Ballav Bind @ Balav Jamdar, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
6. Saroj Jamadar, Son of Kaushal Jamadar @ Kaushal Kishor Prasad, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
7. Teni Jamadar, Son of Kaushal Jamadar, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
8. Pappu Jamadar, son of Kaushal Jamadar @ Kaushal Kishor Prasad, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
9. Ram Bachan Thakur, son of Kameshwar Thakur @ Rameshwar Thakur, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
10. Goutam Jamadar son of Kaushal Jamadar @ Kaushal Kishor Prasad, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
11. Suresh Mahto, son of Sadhu Mahto, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
12. Sukhari Mahto, son of Balgovind Mahto, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.
13. Kamindra Prasad, son of Kishun Deo Mahto @ Kishun Deo, resident of Village-Kela Bigha, P.S.-Telhara, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, District-Nalanda.
3. The Sub Divisional Officer, Block-Ekangarsarai, District-Nalanda.
4. The Circle Officer, Block-Ekangarsarai, District-Nalanda.
5. The Station House Officer, P.S.-Telhara, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Adv.
For the Respondent/s	:	Mr.Government Pleader 5



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 11-07-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. I. Issuance of the appropriate writ, order(s) or directions(s) in the nature of 'Certiorari' for quashing the notice issued by the Circle Officer, Ekangarsarai (Nalanda) under section 6(2) of the Bihar Public Land Encroachment Act, 1956 vide Memo No.-4551 dated 16.12.2023 in Encroachment Case No.- 75/2022- 2023 wherein the Circle Officer has directed the petitioners to remove encroachments from the land till 08.01.024 situated at Mauza- Kela Bigha, Thana No.- 06 bearing Khata No.- 140, Khesra No.-246; on the ground that the Petitioners are residing over the land-in-questions after constructing houses for more than 40 years and is in peaceful possession of same;
II. Issuance of the appropriate writ, order(s) or directions(s) in the nature of 'Certiorari' for quashing the entire proceeding with regard to the alleged encroachment case.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the final order dated 28.11.2023, passed by the Circle Officer, Ekangarsarai, District-Nalanda, in connection with Encroachment Case No.75 of 2022-23, by filing appropriate



appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

3. It is needless to state that for a period of four weeks from today, status quo, existing as on today qua the land/houses of the petitioners in question shall be maintained, in order to enable the petitioners to file appropriate appeals and seek interim relief.

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

(Mohit Kumar Shah, J)

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