

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3383 of 2022

1. Sagar Prasad Son of Late Sitaram Raut R/O Village - Dusaiya tola, Bettiah Dih, P.O. - Bettiah Dih, P.S - Manua Pool, District- West Champaran.
2. Tara Prasad Son of Late - Sitaram Raut R/O Village - Dusaiya tola, Bettiah Dih, P.O. - Bettiah Dih, P.S - Manua Pool, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, West Champaran, at Bettiah.
2. The District Magistrate, West Champaran, at Bettiah.
3. The Addl. Collector, West Champaran, at Bettiah.
4. The Circle Officer (collector under the act) Chanpatia, West Champaran.
5. Daroga Patel S/o Late - Doma Prasad R/o Village - Dusaiya Tola, Bettiah Dih, P.O. - Bettiah Dih, P.S. - Manua Pool, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-11-2024 Though the present writ petition has been filed for quashing the notice dated 31.01.2022, issued by the Circle Officer, Chanpatia, District-West Champaran i.e. the respondent no. 4 in connection with Encroachment Case No. 23 of 2021-22 under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), however, at the outset, the learned counsel for the respondent-State has referred to the counter affidavit filed in the present case to submit that the respondent no. 4 has already passed the final order under Section 6(1) of the Act, 1956 on 31.01.2022, hence in case the petitioners are so aggrieved, they may prefer an appeal under



Section 11 of the Act, 1956.

2. At this juncture, the learned counsel for the petitioners not only seeks liberty to challenge the aforesaid order dated 31.01.2022 by filing appropriate appeal but also seeks permission to use photo copy of the aforesaid order dated 31.01.2022, annexed to the counter affidavit filed by the respondent-State, for the purposes of filing the appeal in question and further prays that the appeal may be considered on its own merits, without the appellate authority being impeded by the issue of limitation, however, seeks some protection during the interregnum period.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to challenge the aforesaid order dated 31.01.2022, by filing appropriate appeal, utilizing the photo copy of the aforesaid order dated 31.01.2022, annexed to the counter affidavit filed by the respondent-State and in case such an appeal is filed within a period of four weeks from today, the appellate authority shall decide the appeal of the petitioners on merits.

4. It is needless to state that for a period of six 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 appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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