

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3389 of 2024

1. Ram Punit Choudhary Son of Late Rajendra Choudhary Resident of Village and Post Office- Pohadi, Anchal/ Circle Office and Sub Division- Benipur, Police Station- Bahera, District- Darbhanga
2. Baidyanath Choudhary Son of Late Ugra Narayan Choudhary Resident of Village and Post Office- Pohadi, Anchal/ Circle Office and Sub Division- Benipur, Police Station- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga.
3. The District Magistrate cum Collector, Darbhanga, District- Darbhanga.
4. The Sub-Divisional Officer cum Public Grievance Redressal Officer, Benipur Sub-Division, District- Darbhanga
5. The Sub-Divisional Office (S.D.O.), Benipur, District- Darbhanga.
6. The Circle Officer, Anchal Benipur, District- Darbhanga.
7. Uday Narayan Choudhary, Son of Ram Bali Choudhary, Resident of Village and Post Office- Pohadi, Police Station- Bahera, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Jha, Advocate
For the State	:	Mr.Ramadhar Singh, GP-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-05-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) Quashing the show cause notice dated 01.02.2024 issued U/S 3 (2) of the Bihar Public Land Encroachment Act by the respondent Circle Officer, Benipur (Annexure: P/10) and proposed proceeding calling upon the petitioner for appearance and to show cause as to why encroachment over Khesra No. 1667



(New) having pucca houses be not removed/ demolished irrespective of the fact that in respect of Khesra/ Plot under notice is subject matter of Title Suit No. 13 of 2019 pending in the Court of Sub-Judge-1, Benipur so filed by petitioners and other against the State of Bihar claiming bonafide right, title and possession and the State officials already appeared and filed written statement pursuant to previous order dated 28.12.2018 passed in Case No. 31 of 2019, considering the show cause (Annexure: P/7) could postponed the encroachment proceeding on considering section 80 C.P.C. notice the then given effect to the respondents (vide order contained in Annexure: P/8.)

(ii) And for order/ direction restraining the respondent authority from proceeding further till decision of the Civil Suit is being contested by the respondent government officials.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to pursue the Title Suit, filed by them, bearing Title Suit No.13 of 2019, which is pending before the learned Court of Sub-Judge-I, Benipur, including filing of a petition for grant of interim injunction.



Liberty so sought is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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