

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3788 of 2024

1. Jairam Ram Son of Bhagirathi Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
2. Sant Bilash Ram Son of late Shivilakhan Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
3. Kanhaiya Ram Son of Baleshwar Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
4. Nimirikhi Ram Son of Shiv Bhagat Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
5. Jyoti Ram Son of Raghulal Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
6. Lal Saheb Ram Son of Fulchand Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
7. Ajit Kumar Ram Son of Gurucharan Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
8. Mukhiya Ram Son of Late Ram Ratan Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
9. Gorakh Ram Son of Sipahi Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
10. Uma Ram Son of Shiv Dayal Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
11. Kashi Ram Son of Ram Gahan Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
12. Vishwamitra Ram Son of late Bhajan Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.
13. Hirya Narayan Rai Son of Late Bhagirathi Ram Resident of Village- Sukarbaliya, P.S. Itari, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector, Buxar.
3. The Circle Officer, Buxar.
4. The Executive Engineer, Local Region, Engineering Work Division, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Amit Bhushan, AC to GP-17



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-12-2024 Though the present writ petition has been filed for quashing the notices issued by the Circle Officer, Buxar i.e. the respondent no. 3 in connection with Encroachment Case No. 31 of 2019-20, however, at the outset, the learned senior counsel for the petitioners submits that a bare perusal of the counter affidavit would show that the respondent-State is also trying to rehabilitate the landless and homeless persons and for the said purpose three places have been selected as has been mentioned in paragraph no. 16 of the counter affidavit. Nonetheless, the learned senior counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the order dated 06.07.2022, passed by the respondent no. 3 in connection with Encroachment Case No. 31 of 2019-20, by filing appropriate appeal under Section 11 of the Bihar public Land Encroachment Act, 1956, however seeks some protection during the interregnum period. Liberty so sought is granted.



2. At this juncture, the learned senior counsel for the petitioners also seeks liberty on behalf of the petitioners to raise all the issues including those which have been stated in the counter affidavit in favour of the petitioners, while filing the aforesaid appeal in question and further submits that in case the petitioners file appeal within a period of six weeks from today, the same be directed to be heard on merits by the appellate authority, without being impeded by the issue of limitation. It is directed accordingly.

3. 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.

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

(Mohit Kumar Shah, J)

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