

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4833 of 2024

1. Fudu Mahto Son of Late Basudeo Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
2. Ramvaran Mahto, Son of Late Kare Lal Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
3. Ram Briksh Kumar, Son of Late Dharmveer Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
4. Keshi Mahto, Son of Late Madho Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
5. Bhagavan Mahto, Son of Madho Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
6. Chinmay Ranjan, Son of Late Kailshpati Ranjan Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
7. Sanjeet Kumar, Son of Late Pradeep Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
8. Rudal Sao, Son of Late Hardeo Sao Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
9. Valeshwar Saw, Son of Late Kuthalu Sao Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
10. Yugeshwar Saw @ Jugal Sao, Son of Late Kuthalu Sao Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
11. Damodar Mahto, Son of Late Banarasi Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
12. Dinesh Prasad Singh, Son of Late Banarsi Prasad Singh Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
13. Sunil Mahto, Son of Late Banarsi Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
14. Ramdeo Mahto, Son of Ayodhaya Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
15. Shambhu Mahto @ Sambu Kumar, Son of Ramavtar Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
16. Rajiv Ranjan @ Rajiv Mahto, Son of Punay Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
17. Manoj Kumar, Son of Subodh Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
18. Sanjay Mahto, Son of Late Narayan Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
19. Gorelal Mahto, Son of Late Radhe Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
20. Surya Narayan Mahto, Son of Doman Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.



21. Anandi Mahto @ Anandi Prasad Singh, Son of Late Jahuri Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
22. Chhatradhari Mahto, Son of Late Jahuri Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
23. Kumari Babita Sinha, Daughter of Late Ram Charan Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
24. Nisha Devi, Wife Saheb Saw Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
25. Sumitra Kumari, Wife of Vijay Sav Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
26. Nathuni Sao, Son of Late Karthi Sao Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
27. Satyanarayan Rajak, Son of Late Natu Rajak Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
28. Kamdev Saw, Mother Sudha Devi Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
29. Janardan Mahto @ Janardan Prasad Mehta, Son of Late Mahdi Mahto @ Mahdeo Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
30. Umesh Tanti, Son of Dayachandra Tanti Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
31. Rajendra Kumar Nirala @ Rajendra Mahto, Son of Late Mahadeo Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
32. Tilo Sao, Son of Meghan Sao Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
33. Tulsi Mahto @ Tulsi Prasad Mahto, Son of Late Bhikhan Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
34. Baleshwar Saw, Son of Meghan Sao Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
35. Umesh Saw, Son of Late Meghan Saw Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
36. Sudhir Sao, Son of Late Nangru Sao @ Fulchandra Sav Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
37. Nepali Saw, Son of Late Bano Sao, Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
38. Dharendra Mahto, Son of Fekan Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
39. Suresh Sah, Son of late Fulo Sao Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.
40. Guddu Kumar, Son of Late Dashrath Mahto Resident of Village- Bhirha, P.O.- Amarpur, P.S.- Medni Chowki, District- Lakhisarai.

... .. Petitioner/s



Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Lakhisarai.
3. The Circle Officer, Suryagarha, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha, Advocate
For the Respondent/s : Mr.Standing Counsel (24)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-06-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this is an application for issuance of an appropriate writ, order or direction, particularly in the nature of Mandamus, directing the respondents not to take steps for demolition of full/part of residential houses of the petitioners constructed on the land situated at Village: Bhirha, Thana No. 52, Khata No. 79, Plot No. 339 which was settle by the Ex-landlord since 80 years ago, on which after constructing their house the petitioners alongwith their old parents and children are living since more than 80 years before on their different areas of the aforesaid land and they are regularly paying the rent to the State of Bihar and accordingly got rent receipt for the same but due to dirty village politics, and influence of powerful persons, notices were issued u/s 3 of Bihar Public Land Encroachment Act, 1956 (Form-1) by the Circle Officer, Suryagarha Lakhisarai, the Respondent



No. 3, in Encroachment Case No.02/2023- 24 have been instituted in the name of petitioners or their dependents in the name of removal of encroachment from the said land without any purpose and threatened to be demolished without following the process under Bihar Land Encroachment Act, whereas the petitioners being landless persons having no other residential houses, so the aforesaid notices be pleased to set aside.

Further during pendency of this application, the aforesaid notice as contained in Annexure: 2 Series be stayed.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objections in response to the notice issued under Section 3 of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.02 of 2023-24 and till the final decision is taken, it is prayed that interim protection be granted.

3. Per contra, the learned counsel for the respondent-State submits that in case appropriate objections are filed by the petitioners, the Circle Officer, Suryagarha, District- Lakhisarai shall definitely pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

4. Having regard to the facts and circumstances of the



case, I deem it fit and proper to grant liberty to the petitioners to file their objections in the aforesaid encroachment proceedings, within a period of four weeks from today, whereafter the Circle Officer, Suryagarha, District- Lakhisarai shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of eight weeks, thereafter and till then status quo existing as on today qua the land/houses of the petitioners in question shall be maintained.

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

(Mohit Kumar Shah, J)

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