

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6167 of 2023

1. Ram Pravesh Singh S/o-Late Ram Ekbal Singh Resident of Village-Uddaini, P.S.-Gopalpur, Anchal-Sampatchak, District-Patna.
2. Guddu Kumar @ Nawal Kishore Kumar Son of Ram Pravesh Singh Resident of Village-Uddaini, P.S.-Gopalpur, Anchal-Sampatchak, District-Patna.
3. Appu Kumar Son of Sri Chhaggu Singh Resident of Village-Uddaini, P.S.-Gopalpur, Anchal-Sampatchak, District-Patna.
4. Chhaggu Singh Son of Sri Late Khelawan Singh Resident of Village-Uddaini, P.S.-Gopalpur, Anchal-Sampatchak, District-Patna.
5. Nitish Kumar Son of Shyam Narayan Singh Resident of Village-Uddaini, P.S.-Gopalpur, Anchal-Sampatchak, District-Patna.
6. Pancham Singh Son of Ramkhelawan Singh Resident of Village-Uddaini, P.S.-Gopalpur, Anchal-Sampatchak, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate, Patna.
3. The Additional Collector, Patna.
4. Senior Superintendent of Police, Patna.
5. Sub-Divisional Officer, Sadar, Patna.
6. D.C.L.R.. Patna Sadar, Patna.
7. Circle Officer, Sampatchak, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 8 26-11-2024 1. Though the present writ petition was filed for setting aside the general notice, issued by the Circle Officer, Sampatchak, Patna i.e. the respondent no.7, whereby and whereunder direction was issued to remove the encroachment made over the land, appertaining to Khata No.50, Khesra



No.340 and 341, situated at village-Uddaini, Circle-Sampatchak, Patna, however, detailed arguments have been advanced by both the parties, from which it has transpired that the Circle Officer, Sampatchak, Patna has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 16.03.2023, in connection with Encroachment Case No.01 of 2017-18, however, the petitioners have filed a title suit, bearing Title Suit No.115 of 2023, before the learned Court of Sub-Judge-I, Patna. In such view of the matter, the learned counsel for the petitioners prays on behalf of them that they be granted liberty to prosecute the said suit and obtain injunction in their favor, nonetheless, some protection be granted during the interregnum period.

2. Having regard to limited prayer, made by the petitioners, as aforesaid, I deem it fit and proper to grant liberty to the petitioners to prosecute the aforesaid Title Suit No.115 of 2023, which is pending adjudication before the learned Court of Sub-Judge-I, Patna, nonetheless, it is directed that for a period of eight 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 them to obtain an order of injunction in their favor in the aforesaid suit, by taking recourse



to the due process of law.

3. At this juncture, the learned counsel for the petitioners simultaneously seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 16.03.2023, passed by the Circle Officer, Sampatchak, Patna, in connection with Encroachment Case No.01 of 2017-18, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is also granted.

4. It is needless to state that in case appropriate appeal is filed within a period of four weeks from today, the same shall be heard by the appellate authority on merits.

5. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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