

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5583 of 2023

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1. Parmeshwar Paswan Son of Late Sadasi Paswan, Resident of Village-Makdumpur, Police Station - Athmalgola, District - Patna.
 2. Jageshwar Paswan Son of Late Sadasi Paswan, Resident of Village-Makdumpur, Police Station - Athmalgola, District - Patna.
 3. Rajendra Paswan @ Rajendra Das, Son of Late Sadasi Paswan, Resident of Village- Makdumpur, Police Station - Athmalgola, District - Patna.
 4. Kauleshwar Paswan son of Late Sadasi Paswan, Resident of Village-Makdumpur, Police Station - Athmalgola, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Barh, District - Patna.
4. The Circle Officer, Athmalgola, District - Patna.
5. Shrawan Kuamr @ Sharvan Kumar son of Bhekha Ray, Resident of Village - Makdumpur, Police Station -Athmalgola, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Respondent/s : Mr.Anjani Kumar (Aag 4)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 28-06-2024 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/writs, order/orders, direction/ directions to the Respondent Authorities for quashing the notice dated 23.03.2023 (Annexure-4) issued by Circle Officer, Athmalgola because without hearing or noticing to the petitioner in light of order dated



07.11.2022 passed by Hon'ble Mr. Justice Mohit Kumar Shah in C.W.J.C. No. 13219/2022 illegally order to the petitioners to vacating the construction from their land pertaining to the Khata No. 216, Plot No. 1030 situated at Village Makdumpur P.S. Athmalgola District- Patna.”

2. At the outset, the learned counsel for the respondent-State submits by referring to the counter affidavit, filed in the present case, that the encroachment proceedings initiated against the petitioner and his brother vide Encroachment Case No.05 of 2018-19, has been stayed till the conclusion of the Jamabandi Cancellation proceedings, initiated vide Jamabandi Cancellation Case No.01 of 2023-24, hence at the moment, the petitioners are not having any threat of dispossession or demolition.

3. In view of the aforesaid, the learned counsel for the petitioners submits that the petitioners be granted liberty to approach this Court, in case any adverse order is passed against them. Liberty so sought is granted.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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