

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7607 of 2024

1. Kishor Prasad @ Kishor Sah Son of Late Yogendra Sah, Resident of Village- Kuchaikote, P.O- Kuchaikote, P.S.- Kuchaikote, District-Gopalganj-841501.
2. Harendra Prasad Son of Late Mahanth Sah Resident of Village- Kuchaikote, P.O- Kuchaikote, P.S.- Kuchaikote, District-Gopalganj-841501.
3. Dilip Sah Son of Bhagwan Sah Resident of Village- Kuchaikote, P.O- Kuchaikote, P.S.- Kuchaikote, District-Gopalganj-841501.
4. Munna Pandit Son of Dev Nandan Sah Resident of Village- Kuchaikote, P.O- Kuchaikote, P.S.- Kuchaikote, District-Gopalganj-841501.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Gopalganj.
5. The Additional Collector (Revenue), Gopalganj.
6. The Sub-Divisional Officer, Gopalganj Sadar, Gopalganj.
7. The Deputy Collector, Land Reforms, Gopalganj Sadar, Gopalganj.
8. The Circle Officer, Kuchaikote, Gopalganj.
9. The Station House Officer, Kuchaikote P.S., Gopalganj.
10. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gopalganj.
11. The Assistant Engineer, Zila Parishad, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jeetendra Narayan, Adv.
For the Respondent/s	:	Mr.Government Advocate (7)
For the Zila Parishad	:	Mr.Ranjeet Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 11-07-2024 1. The present writ petition has been filed seeking
the following relief(s):-

“1.(i) For issuance of an appropriate writ(s),



order(s), direction(s) to the respondents to not demolish / remove the constructions over the land of the petitioners which are under the District of Gopalganj, belongs to Kuchaikote Circle, in revenue village- Kuchaikote, revenue Thana No 731, pertaining to Khata No. 446, Survey No. 244/3119 whereupon, the petitioners have been in occupation, in view of settlement made by the competent authorities to the ancestors of the petitioners under the pious object of the Bihar Bhudan Yagyna Committee.

(ii) For issuance of an appropriate writ(s), order(s), direction(s) for quashing the notices dated 13.03.2024, which are at Annexure- P-6 Series to the writ application, in connection with Encroachment Case No. 46 of 2021-22 u/s 6(2) of the Bihar Public Land Encroachment Act, issued by the Circle Officer, Kuchaikote, Gopalganj for removal of alleged encroachment from the concern premises/land without passing the final order u/s. 6(1), though the petitioners are title holder of the subject land which have been settled by the competent authority in view of Bihar Bhoodan Yagna Committee.

(iii) And also for quashing the notice dated 05.08.2023 contained in Memo No.523 & 525 issued by the respondent no. 10 whereby and whereunder he has directed the petitioners to vacate the alleged encroached land relating to Zila Parishad, Gopalganj without considering the



reply filed by the petitioner and also ignoring the pendency of Title Suit No. 127 of 2005) (Indu Singh Vs. The Collector, Gopalganj and others) which is sub- judice before the competent civil court.

(iv) For issuance of appropriate writ(s), order(s), direction(s) to the respondents to comply the mandate of Bihar Public Land Encroachment Act and its Rule framed by the Government of Bihar.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the final order dated 13.03.2024, passed by the Circle Officer, Kuchaikote, District-Gopalganj, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.46 of 2021-22, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

3. It is needless to state that for a period of four 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 present writ petition stands disposed off on



the aforesaid terms.

(Mohit Kumar Shah, J)

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