

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7321 of 2014

Vinay Agarwal son of Sri Ram Sharan Agrawal, partner of M/s. Ashish Motors (A Partnership firm) near Sahid Chowk, Katihar, P.S. Katihar, District Katihar

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Collector, Katihar
3. The Circle Officer, Katihar
4. The Municipal Corporation, Katihar, through its Chief Executive Officer, Katihar
5. The Chief Executive Officer, Municipal Corporation, Katihar
6. The Principal Secretary, Road Construction Department Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar @ Alok Kr Shahi, Advocate
For the Respondent/s : Mr.Ga12- Ajay

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 08-08-2024 Despite several adjournments, the learned counsel, who has been authorized by the Municipal Corporation, Katihar, to appear before this Court in the present case has not bothered to appear and even today he is not present, despite his name being depicted in the daily cause-list. Nonetheless, the hearing of the present case, which is an old matter, cannot remain impeded forever.

2. The present writ petition has been filed



seeking the following relief:-

“(i) For issuance of writ in the nature of certiorari for quashing the order dated 03.11.2012 (Annexure 5) passed by the Circle Officer, Katihar in Encroachment Case No. 03/2012-13, by which the petitioner has been held to be an encroacher qua land appertaining to Khata no. 87, Khesra No. 368, area 3.98 Acres and has been directed to vacate the Encroachment Under Section 6E of the Act.”

3. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 03.11.2012, passed by the Circle Officer, Katihar in Encroachment Case No.03 of 2012-13, 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.

4. It is needless to state that in case the petitioner files appropriate appeal, within a period of four weeks from today, the appellate authority shall consider the same on merits, without being impeded by the issue of limitation, and shall pass a reasoned and a speaking order, in



accordance with law, forthwith.

5. It is further directed that for a period of four weeks from today, no coercive action shall be taken against the petitioner in order to enable him to file appropriate appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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