

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8119 of 2024

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1. Uday Sharma son of Late Kishundeo Singh, Resident of Village- Kushre, Police Station-Karpi, District- Arwal.
 2. Vyankatesh Kumar son of Late Kishundeo Singh, Resident of Village- Kushre, Police Station-Karpi, District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Arwal.
3. The Sub Divisional Officer, Karpi, Arwal.
4. The Deputy Collector Land Reforms, Karpi, Arwal.
5. The Circle Officer, Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar
For the Respondent/s : Mr. Standing Counsel (23)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-07-2024 The present writ petition has been filed seeking the following reliefs:-

"i) For issuance of a writ of certiorari for quashing of order dated 03.01.2023 passed by the Circle Officer, Karpi in Encroachment Case No.03/2021-22 whereby and whereunder the petitioners have been directed to remove/demolish the constructed part of the house situated at Khata No. 323, Plot No. 560 area 08 decimal failing which the legal action will be taken and such order has been passed without an opportunity of hearing to the petitioners.



(ii) For issuance of a writ of mandamus for commanding the respondents to not act upon the order dated 03.01.2023 passed by the Circle Officer, Karpi as the said order has been passed without giving an opportunity of hearing to the petitioners and the house of the petitioners has been constructed upon their own land since 100 years ago by their ancestors."

2. At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to challenge the order dated 03.01.2023, passed by the Circle Officer, Karpi, District-Arwal, in connection with Encroachment Case No.03/2021-22, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, 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 in case appropriate appeal is filed within a period of four weeks from today, the same shall be adjudged by the appellate authority on merits, without being



impeded by the issue of limitation.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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