

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7812 of 2023

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1. Mosamat Munni Devi @ Munni Devi Wife of Late Bihari Mandal Resident of Village-Khajurbari, Ward No.4, P.O.-Gamharia, Howakol, P.S.-Terhagachh, District-Kishanganj.
 2. Durganand Mandal @ Durganand Kumar Mandal Son of Late Bihari Mandal Resident of Village-Khajurbari, Ward No.4, P.O.-Gamharia, Howakol, P.S.-Terhagachh, District-Kishanganj.
 3. Mithun Kumar Mandal Son of Late Bihari Mandal Resident of Village-Khajurbari, Ward No.4, P.O.-Gamharia, Howakol, P.S.-Terhagachh, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna .
3. The Collector, Kishanganj, District-Kishanganj.
4. The Circle Officer, Terhagachh, District-Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kumar, Advocate Mr. Rajnish Kumar, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-08-2024 The present writ petition has been filed
seeking the following reliefs:-

“1 I. For quashing the notice issued under section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred in short as the 'Act) dated 05.01.2023, issued under the signature of Circle Officer, Terhagachh by which the petitioners have been directed to appear and file reply to the show cause, in Case



No.02/2022-23, as to why the encroachment be not removed from the land bearing Plot No.486, 487, Thana No.160, situated at Mouza-Khajurwari under Block-Terhagachh, in the District-Kishanganj.

II. To quash the notice issued under section 6 (2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred in short as the 'Act) dated 05.01.2023, under the signature of Circle Officer, Terhagachh by which the petitioners have been directed to appear and file reply of the show cause in Case No.02/2022-23, as to why the encroachment be not removed from the land bearing Plot No.486, 487, Thana No.160, situated at Mouza-Khajurwari under Terhagachh Block in the District-Kishanganj.

III. Also to direct the respondent not disturb the possession of the petitioners as the land in question is raiyati ancestral property and the family members have been in rightful possession of the land in question since 1933-34.

IV. Also to direct the respondents not to disturb the peaceful possession of the petitioners over the land in question, which is not Aam Gairmajarua land rather it is Raiyati



land over which the petitioners have constructed house and are residing since last more than 50 years.”

2. At the outset, the learned counsel for the respondent-State submits that the Circle Officer, Terhagachh, District-Kishanganj, has already passed the final order dated 19.01.2023 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the ‘Act, 1956’), in connection with Encroachment Case No. 02 of 2022-23, hence in case the petitioners are aggrieved by the same, they can file appropriate appeal under Section 11 of the Act, 1956.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file appropriate appeals against the aforesaid order dated 19.01.2023, in case they so desire, however, for a period of four weeks from today, status quo existing as on today qua the land/house of the petitioners in question shall be maintained in order to enable them to file appropriate appeal and seek interim relief.



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

(Mohit Kumar Shah, J)

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