

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8853 of 2024

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1. Jitendra Kumar Choudhary Son of Late Nilkanth Choudhary Resident of Village and P.O-Pothiya, P.S.and Anchal-Sanhoula, District-Bhagalpur.
 2. Dharmendra Kumar Choudhary Son of Late Nilkanth Choudhary Resident of Village and P.O-Pothiya, P.S.and Anchal-Sanhoula, District-Bhagalpur.
 3. Pratima Devi W/O of Late Nilkanth Choudhary Resident of Village and P.O-Pothiya, P.S.and Anchal-Sanhoula, District-Bhagalpur.
 4. Rekha Devi Wife of Late Pradeep Choudhary Resident of Village and P.O-Pothiya, P.S.and Anchal-Sanhoula, District-Bhagalpur.
 5. Ashish Kumar Son of Late Pradeep Choudhary Resident of Village and P.O-Pothiya, P.S.and Anchal-Sanhoula, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Dept., Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Sub Divisional Officer, Kahalgaon, District-Bhagalpur.
5. The Circle Officer, Sanhoula, District-Bhagalpur.
6. Sri Gopal Mishra Resident of Village and P.O- Pothiya, P.S.and Anchal-Sanhoula, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate
For the State	:	Mr. Pramod Kumar Singh, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-07-2024 The present writ petition has been filed
seeking the following reliefs:-

"1(i) For issuance of writ in the nature of certiorari for quashing the notice dated 19.04.2023 issued by the Anchaladhikari, Sanhoula, Bhagalpur directing the petitioners to vacate the land bearing Thana No.443,



Mouza-Pothia, Anchal Sanhola bearing Khata No. 284 (O), Khata No.67 (N), Khesra No. 185 (O), 29 (N), Area-13 decimals.

(ii) For further quashing the order dated 22.04.2024 passed by District Magistrate-cum 2nd Appellate Authority Bhagalpur in Complaint Case No.99999011309 23412424/2A, directing the respondent C.O., Sanhoula that after completion of due formality under the Encroachment Act, encroachment be removed from the disputed land, inasmuch as the disputed land is the purchased land of petitioners and they have filed a title suit bearing T.S. Case No.16/2024, which is pending before Sub Judge-Cum-Civil Judge, Senior Division, Kahagalgaon, Bhagalpur.

(iii) For further issuing direction to the respondents that till final decision of the T.S. Case No. 16/2024 no action be taken in pursuance of the order passed in Encroachment Case No. 19/2022-23.

iv) For issuance of a direction upon the respondents to consider the show cause filed by petitioners and pass order u/s 6 of the Encroachment Act."

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the learned Court of Sub-



Judge-cum-Civil Judge, Senior Division, Kahalgaon, Bhagalpur, for the purposes of prosecuting the title suit already filed by them, vide Title Suit No.16 of 2024. Liberty so sought is granted.

3. At this juncture, the petitioners seek some protection during the interregnum period, so that they can obtain interim relief from the learned Trial Court.

4. In view of the aforesaid, I deem it fit and proper to direct that 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 obtain interim relief from the learned trial court.

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

(Mohit Kumar Shah, J)

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