

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16395 of 2018

1. Mithlesh Kumar Son of Bishwanath Prasad
2. Arjun Kumar Sah Son of Nagina Sah
3. Nagina Sah Son of late Jokhan Sah
4. Ritu Devi Wife of Mithlesh Kumar All are resident of Village- Mangalpur Kala, P.S.- Nautan, District- West Champaran.
5. Anil Prasad Son of late Gagarnath Prasad
6. Nand Lal Prasad Son of Deena Nath Prasad
7. Ravi Kumar Son of Anil Prasad
8. Sangita Devi@ Babita Devi Wife of Nand Lal Prasad
9. Giautam Prasad Son of Deena Nath Prasad
10. Prabhu Prasad Son of Deena Nath Prasad
11. Anil Sah Son of late Phulena Sah
12. Sakal Deo Yadav Son of Mukhlal Yadav
13. Kamred Miya Son of late Safai Miya
14. Md. Hedayat Son of Md. Murtuza
15. Lal Babu Kumar Son of late Yogi Yadav
16. Triyogi Narayan Singh Son of late Shiv Lochan Singh
17. Sanjay Prasad Son of Son of late Kedar Prasad null
18. Mukesh Yadav Son of Sakaldeo Yadav null
19. Umesh Prasad Son of Kapildeo Sah
20. Guddu Prasad Son of late Gokhula Prasad All are Resident of Village- Mangalpur Gudria, P.S. - Nautan, District- West Champaran.
21. Nisha Kumari Wife of Lal Babu Kumar
22. Darshan Bhagat Son of late Awadh Bhagat
23. Md. Yunus Son of Md. Islam
24. Ramu Kumar Gupta Son of Adeya Prasad Sah
25. Munna Prasad Son of Adeya Prasad Sah
26. Md. Sageer Son of Md. Khalil All 21 to 26 are Resident of Village- Mangalpur Gudria, P.S. Nautan, District- West Champaran.
27. Sri Kant Yadav Son of Budhan Yadav Resident of Village- Budhwalia, P.S. Nautan, District- West Champaran.
28. Peer Mohmad Miya Son of late Sahabuddin Miya resident of Village- Kutahi Dakhin Teluha, P.S. Nautan, District- West Champaran.
29. Md. Gayasuddin Khao Son of Neck Mohamad Miya Resident of Village- Budhwalia, P.S. Nautan, District- West Champaran.

... .. Petitioner/s



Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate-cum-Collector, West Champaran, Bettiah.
4. The Deputy Collector, Land Reforms, West Champaran, Bettiah.
5. The Superintendent of Police, West Champaran, Bettiah.
6. The Sub-Division Officer, West Champaran, Bettiah.
7. The Circle Officer, Nautan Circle, District- West Champaran.
8. The Officer-in-Charge, Nautan Police Station, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Subodh Kr. Jha, Advocate Mr.Ashok Kumar Gupta, Advocate Mr.Pranav Kr. Jha, Advocate Mr.Chandra Mohan Jha, Advocate
For the Respondent/s	:	Mr.Dhurjati Kr. Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this writ application is being filed for issuance of an appropriate writ/writs and order/orders in the nature of certiorari for quashing the notice dated 7.5.2018 issued under the signature of Anchal Adhikari, Nautan, District-West Champaran (Respondent No. 7) by which the Anchal Adhikari, Nautan has directed the petitioners to remove the encroachment made over the land bearing Thana No.1677, Mauza- Mangalpur Gudaria, without initiation of any encroachment case under the Bihar Public Land Encroachment Act



and further for issuance of a writ in the nature of Mandamus, directing and commanding the Respondents not to dispossess the petitioners from their respective shops situated over Khata No.7 (old), Khesra No.1677, admeasuring an area of 8 ft x 10 ft =80 ft., upon which the petitioners and or their ancestors are running small shop/Gumti since more than 35 years and further for a direction upon the Respondents particularly the Respondent Collector to get the respective shops of the petitioners registered in their respective names and fix the rent as per the recommendation made by the Respondents D.C.L.R. and Additional Collector, according to which the petitioners had also paid the rent at the rate of Rs.40/-, till March, 2015, for which rent receipts have also been issued in favour of the petitioners.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the final order dated 26.04.2018, passed by the Circle Officer, Nautan Circle, District-West Champaran, in connection with Encroachment Case No.02 of 2016-17, by filing 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.



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/shops of the petitioners in question shall be maintained in order to enable them to file appeal and obtain interim relief.

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

(Mohit Kumar Shah, J)

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