

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10012 of 2023

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Anil Singh @ Mahendra Narayan Singh Son of Late Ram Raksha Singh @
Ram Rakchi Singh @Ram Rakchi Mandal Resident of Village- Bandehra,
P.S.- Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Revenue Department,
Government of Bihar, Patna.
2. Collector, Khagaria, District- Khagaria.
3. Anchal Adhikari, Khagaria, District- Khagaria.
4. The Mukhiya, Gram Panchayat, Raj Bandehra, P.S.- Pasraha, District-
Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shrivandan Prasad Singh, Sr. Advocate Mr. Kumar Sameer, Advocate Mr. Gaurav Kumar, Advocate Mr. Atul Prakesh, Advocate
For the State	:	Mr. Ebadur Rahan Shakeb, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 09-01-2024 Heard the parties.

2. The present application has been filed for quashing the notices of the Circle Officer and directing him not to evict the petitioner from the lands described in paragraph no. 3 of the application without following the process of law and restraining the respondents from evicting the petitioner from the land in question.

3. Learned counsel for the petitioner submits that the dispute between the petitioner and the State cannot be decided in a summary proceeding under the Bihar Public Land Encroachment Act, 1956 as the petitioner is having his house on



the land in question. If the petitioner apprehends some threat from the State, he may also move the District Court for declaration of his title and injunction during pendency of the suit.

4. In these circumstances, this writ application is disposed of with liberty to the petitioner to file a civil suit in the District Court for declaration of his right, title and interest. If any civil suit is filed by the petitioner along with an injunction application, the injunction application must be decided by the Court concerned within two months of filing of the civil suit.

5. While deciding the injunction petition, the Court below will consider the fact that the house of the petitioner is being sought to be demolished by the State and necessary order shall be passed by the Court concerned for protecting the suit property.

6. For the next three months, the State will not take any coercive steps against the petitioner.

7. The application stands disposed of.

(Sandeep Kumar, J)

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