

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11433 of 2024

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1. Ramdev Yadav Son of Chhedi Yadav Resident of Village- Moratal, P.S.- Bodhgaya, District Gaya, Bihar.
 2. Chote Lal Yadav Son of Chhedi Yadav Resident of Village- Moratal, P.S.- Bodhgaya, District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its principal Secretary Department of Land and revenue, Patna.
2. The District Magistrate, Gaya.
3. The S.D.O., Gaya.
4. The Circle Officer, Bodhgaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Yadav, Advocate Mr.Sunil Kr. Yadav, Advocate
For the Respondent/s	:	Mr.Kumari Anita, GP-3 Mr.Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 4 18-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(I) To quash the encroachment case no. 7/2023-24, initiated by Circle Officer Bodhgaya (Respondent No.4) wherein notice Under Section 6(2) of the Bihar Public land encroachment Act 1956, has been issued and the petitioners have been directed to remove the encroachment made upon Mauza-Maura, Thana No.-455, Khata No. 368, Plot No. 1875, area 1200 sqft and 800 sqft respectively, uptill 10.06.2024, failing which a proceeding u/s 188



of the Cr.P.C. shall be initiated.

(II) To quash the notice dated 21.05.2024 issued upon the petitioners by respondent no.4.

(III) To direct the respondents not to disturb the petitioners from the land bearing plot no. 1875, upon which they are having possession since past 30-35 years.

(IV) To direct the respondents to obey the letter issued by Bihar Government, Revenue Department, bearing Letter No.4 dated 12.05.1971, to all the Divisional Commissioners.

(V) To direct the respondents to obey the letter no.5/encroachment (policy) 1011/80-1655 revenue, dated 14.04.1978, wherein it has been already categorically stated that a person who gets lease settlement or HUKUMNAMA from the landlord and revenue receipts have been issued, such land can be settled on the basis of the said evidence.”

2. At the outset, the learned counsel for the respondent-State submits by referring to the counter affidavit, filed in the present case that the Circle Officer, Bodh Gaya, Gaya has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 30.01.2024, in connection with Encroachment Case No.07 of 2023-24, hence in case the petitioners are aggrieved by the same, they can file



an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956.

3. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file appropriate appeal, challenging the aforesaid order dated 30.01.2024, however, seeks some protection during the interregnum period. Liberty so sought is granted.

4. It is needless to state that for a period of six weeks from today, status quo existing as on today qua the land/houses of the petitioners in question shall be maintained, in order to enable them to file appropriate appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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