

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10642 of 2023

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1. Rahul Kumar @ Bulat Kumar Son of Late Madan Mahto, Resident of Village- Kuarapatti, Ward No. 4, P.O.- Machhargawan, P.S.- Yogapatti, District- West Champaran at Bettiah.
 2. Dukhi Mahto Son of Late Sitaram Mahto, Resident of Village- Kuarapatti, Ward No. 4, P.O.- Machhargawan, P.S.- Yogapatti, District- West Champaran at Bettiah.
 3. Ramayan Mahto Son of Late Sitaram Mahto, Resident of Village- Kuarapatti, Ward No. 4, P.O.- Machhargawan, P.S.- Yogapatti, District- West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms Department, Government of Bihar, Patna
3. The District Magistrate, West Champaran at Bettiah, District- West Champaran at Bettiah,
4. The Sub-Divisional Officer, Bettiah, District- West Champaran at Bettiah,
5. The Circle Officer, Yogapatti, District- West Champaran at Bettiah,
6. Rajdeo Prasad Son of Late Bhadaï Mahto, Resident of Village- Kuarapatti, Ward No. 4, P.O.- Machhargawan, P.S.- Yogapatti, District- West Champaran at Bettiah.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 20-08-2024 The present writ petition has been filed
seeking the following reliefs:-

“1 (I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the notice dated 13.03.2021 issued under the signature of the respondent no. 5 in connection with



Case No.77 of 2020-21, whereby and whereunder the petitioners were called upon to show-cause, in respect of land dispute brought before the Respondent No.5 by the Respondent no.6, with documentary evidence.

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the notice dated 20.05.2023, issued by the Respondent no. 5, in Case No.05 of 2021-22, whereby and whereunder the petitioners were directed to comply the order passed by the Respondent no.5 under Section 5 (1) (c) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the Encroachment Act) and after the order was passed under Section 5 (1) (c) of the Encroachment Act, notice was issued by the Respondent no.5 against the petitioner for compliance of the order till 05.06.2023, invoking his power under Section 6 (2) of the Encroachment Act.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.5 to produce on record the order passed by him under Section 5 (1) (c) of the Encroachment Act, in connection with Case No. 05 of 2021-22 and on production, the same may



be quashed by issuance of an appropriate writ in the nature of CERTIORARI on the ground that before the impugned notice dated 20.05.2023, no other notice of Case No.05 of 2021-22 was ever served upon the petitioners."

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the order dated 20.05.2023 passed by the Circle Officer, Yogapatti, District-West Champaran at Bettiah 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. 5 of 2021-22, by filing appropriate appeal under Section 11 of the Act, 1956, however, seeks some protection during the interregnum period.

3. Having regard to the limited prayer made by the petitioners in the present writ petition, I deem it fit and proper to grant liberty to the petitioners to file appropriate appeal against the aforesaid order dated 20.05.2023, however, in order to enable the petitioners to file appeal and



obtain interim relief, I deem it fit and proper to direct the respondents to maintain status quo existing as on today qua the land/houses of the petitioners in question for a period of six weeks from today.

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

(Mohit Kumar Shah, J)

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