

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10258 of 2024

Parmanand Singh @ Bipin Singh Son of Late Ramchandra Singh, Resident of Village and P.O.- Toigarh, P.S.- Jayrampur, Anchal- Barbigha, District- Sheikhpura.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Sheikhpura.
3. The Circle Officer, Block and Anchal- Barbigha, District- Sheikhpura.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent/s : Standing Counsel (10)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-09-2024 The present writ petition has been filed seeking the following reliefs:-

“1.(i)To issue a writ of Certiorari, setting aside the notice (Prapatra-II) dated 25.06.2024 as contained in Memo No. 729, issued under the signature of Respondent Anchal Adhikari (Circle Officer), Barbigha, District- Sheikhpura in Encroachment Case No.06/2023-24, by which the Respondent Circle Officer without visiting on spot and without examining the factual aspect of the land appertaining to Khata No. 361, Kheshra No. 1741, 1747, Thana No. 45 of Mauza- Toigarh, Block + P.S.



Barbiga, District- Sheikhpura, has directed the petitioner to remove the alleged encroachment within 12 days and submit the intimation by 08.07.2024, relying upon a so-called measurement report submitted by Anchal Amin who has reported that there is encroachment on public road, situated in front of the house of petitioner i.e. 6" (6 inch) in East, 1' 6" (1 ft 6 inch) in West on Khesra No.1741 i.e. 0.39 decimal and 0.08 decimal on Khesra No.1747; without issuing any prior notice and without affording any opportunity to the petitioner of being heard in this regard.

ii) To issue a writ of Mandamus, commanding and directing the Respondent authority concerned, not to disturb the physical possession of the petitioner over the said public road which has been used by the petitioner for his ingress and egress to his house since more than 80 years i.e. since the life time of his ancestors; but the Respondent Circle Officer without visiting the spot and without examining the factual aspect of the land as also without affording any opportunity to the petitioner of being heard, has issued the impugned notice



dated 25.06.2024 directing him to remove the encroachment within 12 days and submit its intimation to undersigned by 08.07.2024."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 30.05.2024 passed by the Circle Officer, Barbigha in connection with Encroachment Case No. 06 of 2023-24, by filing appropriate 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/house of the petitioner in question shall be maintained in order to enable the petitioner to file appropriate appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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