

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10383 of 2024

1. Aman Patel @ Aman Kumar son of Late Prabhu Patel, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
2. Suban Sah @ Subay Sah, son of Late Khedan Sah, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
3. Bindu Bhushan Prasad, son of Late Ramchandra Patel, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
4. Jaleshwar Prasad @ Jaleshwar Sah, son of Late Dukha Sah, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
5. Chandeshwar Raut @ Chandrashekhar Patel, son of Late Kanhai Patel, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
6. Rambali Raut, son of Late Banka Raut, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
7. Pramod Patel @ Pramod Kumar, son of Late Brahmdev Patel, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
8. Chandan Kumar, son of Late Kundan Raut, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
9. Prabhu Sah, son of Late Dhorai Sah, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
10. Chhotelal Patel, son of Late Bashanti Patel, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
11. Medan Sah @ Meghan Sah, son of Late Dukha Sah, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.
12. Krishna Raut, son of Late Ram Prasad Raut, resident of Village-Madhuban, P.S. and Anchal-Madhuban, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Secretariat, Patna.
2. The District Magistrate cum Collector, East Champaran at Motihari.
3. The Sub Divisional Officer cum Sub Divisional Magistrate, Pakri Dayal, District-East Champaran.
4. The Circle Officer, Madhuban, Circle Madhuban, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Adv.
For the Respondent/s	:	Government Pleader (14)

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.For issuance of writ in the nature of



Certiorari or any other appropriate writ/ writs, order/ orders, direction/ directions for quashing the notice (Form-i) issued by Circle Officer, Madhuban in Encroachment Case No. 08/2022-23 under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the Act) by which the learned Circle Officer, Madhuban has directed the petitioners to file show cause on 28.07.2022 at 11:00 hrs as to why the order of removal of Encroachment should not be passed with regard to the land bearing Thana No. 85, Khata No. 466, Khesara No. 1986, Mauza-Madhuban.

(ii) For issuance of writ in the nature of Certiorari or any other appropriate writ/ writs, order/ orders direction/ directions for quashing the notice dated 12.06.2024, by which the learned Circle Officer, Madhuban has issued notice under Prapatra-(II) in Encroachment Case No. 07 of 2021-22, for removal of encroachment.

(iii) For issuance of writ writs, order /orders, direction/ directions to the respondent authority not to take any action for removal of encroachment against the land of the petitioners."

2. At the outset, the learned counsel for the



petitioners seeks liberty on behalf of the petitioners to challenge the order dated 12.06.2024 passed by the Circle Officer, Madhuban in connection with Encroachment Case No. 08 of 2022-23, 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/houses of the petitioners in question shall be maintained in order to enable the petitioners 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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