

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11058 of 2023

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Rajiv Kumar @ Raju Prasad @ Raju Kumar Son of Late Yogilal Prasad
Resident of Ward no. 12, Samhauta, P.O.-Bhabhta, P.S.-Sathi, District-West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran.
2. The District Magistrate, West Champaran.
3. The Sub-Divisional Officer (S.D.O.), Narkatiaganj, West Champaran.
4. The Circle Officer, Narkatiaganj, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanchay Srivastava, Adv. Mr. Arpit Anand, Adv. Mr. Sushant Srivastava, Adv. Mr. Ashish Kumar Palit, Adv.
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
For the Intervenor	:	Mr. Arif Daula Sidhiqui, Adv. Mr. Matab Alam Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-07-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). That the present writ application is being
filed for issuance of an appropriate writ(s)/
order(s)/ direction(s) in the nature of Certiorari
for quashing and setting aside Form-II issued
vide Notice dated 19.05.2023 by the Circle
Officer, Narkatiaganj, West Champaran, by which
the petitioner has been directed to remove alleged
encroachment as the same has been issued
without passing/ serving any final order declaring
the petitioner as encroacher within the meaning
of Section 6 of the Bihar Public Land



Encroachment Act, 1956.

(ii). That the present writ application is being filed for issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of mandamus or any other appropriate writ to grant ad interim ex parte stay over the operation of Form-II issued vide Notice dated 19.05.2023 by the Circle Officer, Narkatiaganj, West Champaran.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the final order dated 19.5.2023, passed by the Circle Officer, Narkatiaganj, District-West Champaran, by filing appropriate appeal under Section 11 of the Bihar Public land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), however, he seeks some protection during the interregnum period.

3. Having regard to the limited prayer made by the petitioner in the present writ petition, I deem it fit and proper to grant liberty to the petitioner to file appeal under Section 11 of the Act, 1956, against the aforesaid order dated 19.5.2023, passed by the Circle Officer, Narkatiaganj, District-West Champaran.

4. It is needless to state that for a period of four weeks from today, no coercive action shall be taken against the petitioner, in order to enable him to file appropriate appeal and obtain interim



relief.

5. Accordingly, the present writ petition stands disposed off
on the aforesaid terms.

(Mohit Kumar Shah, J)

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