

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10897 of 2024

Krishan Kumar Jha Son of Late Upendra Nath Jha, Resident of village-Sakhwar, P.O. - Sarisab Pahi, P.S. - Manigachhi, District- Darbhanga. At present residing at Mohallah - Behat, Ward No. - 02, Near Red Cross, P.O. - Jhanjharpur RS, P.S.- Jhanjharpur RS, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Darbhanga.
3. The Additional District Magistrate (Revenue and Land Reforms), Darbhanga.
4. The Sub-Divisional Officer, Darbhanga.
5. The Land Reform Deputy -Collector, Darbhanga.
6. The Circle Officer, Manigachhi, District - Darbhanga.
7. The Station House Officer, Manigachhi Police Station, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kuldeep Kumar, Adv.
For the Respondent/s	:	Mr.Government Pleader 26
		Mr.Gautam Kr. Yadav, AC to GP-26

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.(i) For issuance of direction, order or writ in the nature of Certiorari or any other appropriate writs/order/direction for quashing the impugned order/notice dated 09.07.2024 issued from the office of Circle Officer, Manigachhi (respondent no 6) under section 6(2) of the Bihar Public Land Encroachment Act, 1956, whereby and where under the petitioner's brother namely Shankar Jha has been asked to remove the encroachment



from the land appertaining to Thana No.- 190, Khata No. 29 (old), Chhut Khesra, carved out from plot no.- 665 (old), measuring an area 80" X 6", situated at Sakhwar village, P.S.- Manigachhi, District- Darbhanga.

(ii) For issuance of direction/directions or writ/writs including writ in the nature of Certiorari for setting aside the entire proceeding of Land Encroachment Case No. 03/2024-25, instituted by the Circle Officer, Manigachhi under the Bihar Public Land Encroachment Act, 1956 whereby and where under the petitioner and his brothers joint Land/Building/Property has been marked for demolition, without hearing and informing the petitioner.

(iii) For issuance of direction upon the respondent authorities to abstain from any demolition work in relation to the land/property/buildings of the petitioner and his brothers during pendency of this writ application.

(iv) For issuance of direction to the Circle Officer, Manigachhi to issue certified copy of entire order sheet including final order of the Encroachment Case No. 03/2024-25 and any other document which is part of the encroachment proceedings.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 09.07.2024, passed by the Circle Officer, Manigacchi,



District-Darbhangha, in connection with Encroachment Case No.03 of 2024-25, 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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