

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11359 of 2024

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1. Maheshwar Prasad Narayan Singh S/o Late Nagendra Prasad Narayan Singh, permanent resident of Madhuban Estate, Village and P.S.-Madhuban, Post-Gulwara Madhuban, District-East Champaran, Bihar (845420), at present Madhuban Kothi, Aam Gola Road, District-Muzaffarpur, Bihar (842002).
 2. Dinesh Prasad Narayan Singh @ Dineshwar Prasad Narayan Singh, S/o Late Nagendra Prasad Narayan Singh, permanent resident of Madhuban Estate, Village and P.S.-Madhuban, Post-Gulwara Madhuban, District-East Champaran, Bihar (845420), at present Madhuban Kothi, Aam Gola Road, District-Muzaffarpur, Bihar (842002).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Collector cum Magistrate, East Champaran, Motihari.
4. The Circle Officer, Madhuban, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sriram Krishna, Advocate Mr.Prabhat Kr. Singh, Advocate Mr.Amarjeet, Advocate Mr.Shashank Shekhar Kunwar, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad, AAG-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 18-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(I) To issue appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities for setting aside the notice dated 12.06.2024 issued under section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') by the respondent no. 4



herein without passing the final order under section 6(1) of the said Act.

(II) To issue appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities to conduct a fair and transparent measurement of the boundary wall of the petitioners' premises in their presence and not behind their back because it has been falsely alleged that they have encroached 0.15 decimals of the public road pertaining to Khata no. 466, Khesra no. 1986, Revenue Thana no. 85, situated at village Madhuban, East Champaran;

(III) To issue appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities restraining them from taking any coercive action against the petitioners during the pendency of Title Suit No. 624 of 2023, pending before the learned Court of Sub-Judge 11, East Champaran, Motihari;”

2. At the outset, the learned counsel for the petitioners submits by referring to the counter affidavit, filed in the present case by the respondent-State that the Circle Officer, Madhuban, District-East Champaran has already passed the final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 12.06.2024, in connection with Encroachment Case No.08 of 2022-23, hence the petitioners be granted liberty to challenge the same by filing appropriate appeal under Section



11 of the Bihar Public Land Encroachment Act, 1956 and during the interregnum period some protection be granted. Liberty so sought is granted.

3. It is needless to state that for a period of eight 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 them 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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