

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12161 of 2023

1. Sushil Chaudhary @ Shoshil Chaudhari Son of Late Ganga Chaudhary, Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
2. Vinay Kumar Son of Late Krishna Paswan, Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
3. Nandji Ram Son of Late Shiv Janam, Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
4. Samanand Ram Son of late Harihar, Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
5. Lal Bahadur Ram Son of Late Jhagaru Ram Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
6. Lalji Chaudhary Son of Late Hiralal Chaudhary, Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
7. Surendra Chaudhary Son of Late Deo Nandan Chaudhary Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
8. Uma Shankar Ram Son of Late Ramanand Paswan Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
9. Bineshwar Chaudhary Son of Late Munsu Chaudhary, Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.
10. Indradeo Ram @ Indradeo Choudhary Son of Late Dipti Ram, Resident of Village - Mopati, P.S. - Sikarahatta, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner Patna Commissioner, Patna.
4. The District Magistrate-cum-District Collector, Bhojpur at Ara.
5. The Circle officer, Tarari, Piro, Bhojpur.
6. Laldeo Singh Son of Late Bhagya Narayan Singh, Resident of village Mopati, P.S. Sikarahatta, District- Bhojpur.
7. Dhananjay Prasad Son of Sri Kashinath Sah, Resident of village Mopati, P.S. Sikarahatta, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Maya Shankar Mishra, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC- 19)
		Mr. Atul Shanker, AC to SC-19



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-09-2024 The present writ petition has been filed
seeking the following relief:-

"1. That this is an application for issuance of a writ in the nature of Certiorari for quashing the order dated 08.07.2018, passed by the Circle Officer, Tarari, Piro, Bhojpur in Encroachment Case No. 02/2016-17 whereby and whereunder direction has been issued to the petitioners to remove the encroachment made over some portion of the land in question bearing Khata No. 1156/701, Khesara No. 5530/3670 under Mauza Sikarahatta, situated at Circle-Tarari, District-Bhojpur, illegally and arbitrarily, without giving proper opportunity to the petitioners of being heard as the petitioners are landless persons having no piece of land and they have been living upon some portion of the land in question by making their houses since 1982 and some portion of the land in question was settled temporarily in favour of the ancestors of the petitioners and they have been in peaceful possession of the said land in question since 1982 and be further pleased to direct the respondents to



allot the said land in question permanently by issuing Parcha in favour 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 08.07.2018 passed by the Circle Officer, Bhojpur, in connection with Encroachment Case No. 03 of 2016-17, 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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