

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12344 of 2024

1. Satyendra Yadav son of Yogendra Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
2. Jiut Yadav Son of Late Lali Yadav @ Lali Ahir, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
3. Mukesh Yadav, Son of Late Rajendra Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
4. Mahtam Yadav, Son of Late Motar Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
5. Basudeo Yadav, Son of Late Janak Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
6. Manjesh Kumar Yadav @ Manjesh Yadav Son of Raj Mangal Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
7. Chanchal Yadav, Son of Late Dudhani Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
8. Ambika Yadav, Son of Late Dudhani Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
9. Jay Shree Yadav, Son of Late Dudhani Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.
10. Ram Prawesh Yadav, Son of Manejar Yadav, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, District West Champaran, Bettiah.
3. The Sub Divisional Officer, Bagaha, District West Champaran.
4. The Circle Officer, Bhitaha Circle, District West Champaran.
5. The Superintendent of Police, Bagaha, District West Champaran.
6. The Officer- In- Charge, Bhitaha Police Station, District West Champaran.
7. Girija Prasad Gond @ Girija Prasad, Son of Late Bijali Sah, resident of Village Bairatawa, P.S. Bhitaha, District West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Adv.
For the State : Mr. Anirban Kundu, SC-24

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-08-2024 The present writ petition has been filed seeking the



following relief:-

“1. That this writ application is being filed for issuance of writ/writs, order/orders in the nature of certiorari for quashing of notice, bearing Memo No. 131, dated 03.04.2024, issued by the Circle Officer, Bhitaha, District West Champaran, in connection with Khata No. 753, Khesra No. 1365/1, ad-measuring an Area (02-10-0) Acre of village Bairatha, District-West Champaran and for quashing the order dated 13.06.2021, passed in Land Encroachment Case No. 02/2021-22, by the Sub- Division, Bagaha, District-West Chamapran, and further for issuance of direction upon the respondent State not to disturb the physical possession of the petitioners from the aforesaid land, keeping in view of the fact that the land in question, including Khesra No. 939 of the said Khata are coming in possession of petitioners and their ancestors, in rent fixation case no. 225/1968-69 and since then the petitioners and his family members are coming in peaceful possession over the said land in question.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the learned Court of Sub-Judge, Bagaha, District-West Champaran at Bettiah, for filing appropriate injunction petition in the pending title suit,



filed by the petitioners, bearing Title Suit No. 173 of 2021, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

3. It is needless to state that for a period of six 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 obtain appropriate interim relief from the learned Trial Court, where the suit filed by them is pending consideration.

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

(Mohit Kumar Shah, J)

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