

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.779 of 2024

In

Civil Writ Jurisdiction Case No.2290 of 2024

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1. Saikh Aslam @ Shek Aslam, Son of Late Diljan Miyan, Resident of Village -Khawaspur Police Station -Basantpur District-Siwan.
 2. Md. Raish, Son of Late Babar Mian, Residing at Khawaspur, Police Station- Basantpur, District-Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan.
3. The District Magistrate cum Second Appellate Authority, Public Complaint Cell, Siwan.
4. The Additional District Magistrate cum 1st Appellate Authority, District Public Complaint Cell, Siwan.
5. The Circle Officer, Lakri Naviganj, Siwan.
6. The Sub Divisional Public Complaint Cell, Maharajganj, Siwan.
7. Farida Khatoon Wife of Munna Hussain Resident of Village-Bedu Tola, P.S.- Thawe, District-Gopalganj, at present resident of Village-Khawaspur, P.S.- Basantpur, District-Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Additional Advocate General 13
For the Pvt. Resp.	:	Mr. Raju Prasad, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-09-2024

The appellants are aggrieved with the direction of the learned Single Judge directing disposal of the Encroachment Case No. 2 of 2022-23 by passing a final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

2. The appellants, who were respondent nos. 7 and 8 in the writ petition, submit that already a suit, titled as Title Suit No. 1447 of 2023 is filed by the 1st appellant, which is pending before the learned Civil Judge, Senior Division, Siwan. There is also an interim order passed in the said suit.

3. The appellants definitely would be entitled to bring to the notice of the Circle Officer, Lakri Naviganj, Siwan who is dealing with the encroachment case, as to the pendency of the suit.

4. The learned Counsel for the appellants submits that because of the order of the learned Single Judge, the Circle Officer has been directing removal of encroachment. Definitely, the Circle Officer will have to consider the prayer of the pendency of the suit and also the interim order to decide as to whether he should further proceed with the encroachment case.

5. The appellants are given two weeks' time to



produce this judgment before the Circle Officer. Till then, there shall be a *status-quo* and the further proceedings shall be determined judiciously by the Circle Officer, keeping in mind the pendency of the suit and the nature of the interim order passed therein.

6. The Letters Patent Appeal is disposed of with the above directions.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	30.09.2024
Transmission Date	N/A

