

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15571 of 2014

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Lakho Devi wife of Late Gurucharan Yadav @ Gudri Yadav, resident of
Mohalla- Jawaripur Central Jail Road, P.S.- Barari Tilkamanjhi, District-
Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar at Patna.
2. The Collector, Bhagalpur
3. The Deputy Collector of Land Reforms, Bhagalpur
4. The Sub-Divisional Officer, Bhagalpur
5. The Circle Officer Anchaladhikari, Jagdishpur, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya
For the Respondent/s : Mr.Ga8-Sandeep Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 24-07-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(a). For quashing the order dated 10/03/14, passed by the learned Collector, Bhagalpur in Misc. Appeal No. 36 of 2010-11, (under section 11 of the Bihar Public Land Encroachment Act, 1956), whereby the appeal filed by the petitioner against the orders dated 3/10/06 & 15/12/06 (Annexure-11 series) passed in Encroachment Case No. 3/05-06 passed by learned Circle Officer, Jagdishpur, Bhagalpur, declaring the husband of the petitioner namely Gurucharan Yadav (now deceased) as encroacher and asking him to remove the alleged encroachment from the



plot in question, has been rejected on erroneous grounds and without considering the law and the facts, and

(b). The respondents especially respondents no. 2 to 5, may be directed to not to dispossess the petitioner from the land in question described as Khata No. 106, Khesara No. 277, Area- 0.0795 Hectare which is about 7 Katha 15 Dhur (however in notice from Circle Officer only 0.0625 hectare has been mentioned without any boundary), in Ward No. 2 in mohalla Jawaripur (Tilkamanjhi) in the town and District of Bhagalpur and not to take any action under the Bihar Public Land Encroachment Act, 1956 till the final adjudication of the complicated questions of right, title, and interest is involved and is pending in between the parties before the Bhagalpur Civil Court as different civil suits/appeal.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the pending second appeal bearing Second Appeal No. 246 of 2017, however, seeks some interim protection for the purposes of obtaining stay in the aforesaid pending second appeal. 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, shall be maintained qua the land / house of the petitioner in question, in order to enable her to seek interim relief in the aforesaid pending second appeal.

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

(Mohit Kumar Shah, J)

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