

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6704 of 2015

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Tileshwar Ram Son of Late Raghunath Ram. Resident of Kathoda, P.S.-
Kuchila, Post - Mukharaw, District - Kaimur Bhabhua.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate-Cum-Collector, Kaimur Bhabhua.
3. The District Animal Husbandary Officer, Bhabhua.
4. The Circle Officer, Muaoa Circle, District - Kaimur.
5. Officer In-charge, P.S.- Kurhani, District - Kaimur Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mr. K. P. Gupta, GP-10
		Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-08-2024 The present writ petition has been filed seeking the
following reliefs:-

*“1.(a) For issuance of a writ in the nature of
certiorari or any other appropriate writ(s) /
order(s)/direction(s) commanding the Respondents
Authorities as to why the notice dated 05.08.2012 issued
under signature of District Animal Husbandry Officer,
Kaimur (Bhabhua) and the notice dated 06.08.2013
issued under the signature of C.O. Nuwav (Kaimur),
Respondent no.4 and the notice dated 03.12.2012 issued
under the signature of District Animal Husbandry Officer,
Kaimur and the letter dated 30.11.2012 issued under the
signature of Officer-In-charge, Kurhani and the letter
dated 18.04.2013 issued under the signature of the*



respondent no.4 and the letter dated 20.07.2013 of the Respondent no.3 and the letter dated 26.07.2013 of respondent no.2 and the letter dated 26.07.2013 of respondent no.2 recommending to the Circle Officer, Kaimur; respondent no.4 be not freed from encroachment under the Bihar Public Land Encroachment Act, 1956 contained in Annexure-1 (Series), if not to evict the petitioner forcibly with the aid of Govt. police machinery, be not quashed forthwith.

b) For issuance of a writ commanding the respondent authorities as to why the respondent authority be not restrained forthwith taking coercive measure of forcible eviction from the piece of land coming in their respective possession and occupation since century ago, having acquired the rights of permanent tenancy in the holding, under Sections 4 and 5 of the "Bihar Privilege Persons Homestead Tenancy Act, 1947."

(c) For issuance of a writ commanding the respondent authorities as to why the respondent authority be not directed to afford them an opportunity of hearing and to take into the defence raised by the petitioner and not to act in breach of the well settled philosophy of Ad-ULTEREM- PARTEM (Natural Justice).

Vis-à-vis as to why the entire proceeding of forcible eviction contained in Annexure-1 (Series) undertaken at the callous hands of the respondent authorities be not stayed in view of the pendency of the Title Suit No. as 116 of 2012 figured as Tileshwar Ram-plaintiff Vs. the State of Bihar & Others."



Vis-à-vis the entire operation of the order contained in the notice vide Annexure-1 (Series) be put in abeyance till an adjudication of the said T.S. pending in the court of Munsif, Bhabhua in the ends of justice, equity and fair play.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the title suit filed by him bearing Title Suit No.116 of 2012, pending before the learned Court of Munsiff, Bhabhua at Kaimur. Liberty so sought is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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