

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12443 of 2024

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Ramesh Prasad Singh Son of Late Sitaram Singh Resident of Village- Koria,
P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Government of Bihar, Patna.
2. The District Magistrate -cum- Collector, Begusarai.
3. The Circle Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Kumar, Advocate
For the Respondent/s : Dr. Md. Raisul Haque, SC-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-08-2024 The present writ petition has been filed
seeking the following reliefs:-

“1. (i) For issuance of writ/writs in the nature of Certiorari to quash the notice dated 30.12.2023, issued under Section 6(2) of Bihar Public Land and Encroachment Act, 1956, by respondent no. 03, The Circle Officer Begusarai, (Annexure-P/7) in connection with Encroachment Case No. 08/2023-2024, without passing any final order under section 6(1) of the aforesaid Act.

(ii) For issuance of writ/writs in the nature of Certiorari to quash the entire Encroachment proceedings bearing



Encroachment Case No. 08/2023-2024, which was conducted in a perfunctory manner, as the notice dated 11.12.2023, under section 3 of the said aforesaid Act (Annexure-P/6) was issued in the name of Sanjay Singh, which is the nickname of son of Nunu Prasad Singh (Brother of the petitioner).

(iii) For issuance of writ in the nature of Mandamus commanding the respondents not to demolish the house of petitioner till the final disposal of Title Suit bearing No. 184 of 2024, filed in the court of learned Civil Judge (Senior Division), Begusarai, on 25.05.2024, which has been admitted by the said learned Court (Annexure-P/8).

(iv) For issuance of writ/writs in the nature of Mandamus to command the respondents not to disturb the physical possession of the land of petitioner, upon which his ancestors constructed the house 70 years ago, situated at Khesra no. 404, 402 and 401, Thana No. 195, at village- Korla, P.S. Mufassil, District- Begusarai."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the title suit already filed by him



bearing Title Suit No. 184 of 2024, which is pending before the learned Court of Civil Judge, Senior Division, Begusarai and obtain interim injunction therein, however, seeks some protection during the interregnum period.

3. Having regard to the limited prayer made by the petitioner in the present writ petition, I deem it fit and proper to grant liberty to the petitioner to prosecute the aforesaid title suit and in order to enable him to obtain interim injunction, in accordance with law, I deem it fit and proper to direct the respondents to maintain status quo existing as on today qua the land/house of the petitioner in question for a period of six weeks from today.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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