

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13840 of 2024

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Chotelal Yadav son of Late Motilal Yadav @ Motilal Chaudhary, resident of
Village-Aurai, P.O.-Pakri, P.S.-Barahariya, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Siwan.
2. The District Magistrate, Siwan.
3. The Sub-Divisional Officer, Siwan.
4. The Circle Officer, Block-Barahariya, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amarendra Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Yadav, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 29-10-2024 At the outset, the learned counsel for the respondent-State submits that though the counter affidavit was filed online, however, the same has been returned back being defective, nonetheless, a copy of the same is handed over to this Court, which is taken on record.

2. The present writ petition has been filed for quashing the notice dated 05.08.2024, issued by the Circle Officer, Barahariya, District-Siwan in connection with Encroachment Case No. 01 of 2019-20.

3. At the outset, the learned counsel for the



respondent-State has pointed out by referring to the aforesaid counter affidavit that the Circle Officer, Barahariya, District-Siwan has already passed the final order under Section 6(1) of the Act, 1956 on 27.08.2024, in connection with Encroachment Case No. 01 of 2019-20, hence in case the petitioner is so aggrieved, he can file an appeal under Section 11 of the Act, 1956.

4. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 27.08.2024, passed by the Circle Officer, Barahariya, District-Siwan, in connection with Encroachment Case No. 01 of 2019-20, by filing appropriate appeal under Section 11 of the Act, 1956, however, seeks some protection during the interregnum period. Liberty, so sought is granted.

5. It is needless to state that for a period of six weeks from today, status quo, existing as on today, qua the land/house of the petitioner in question shall be maintained in order to enable the petitioner to file appropriate appeal and seek



interim relief.

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

(Mohit Kumar Shah, J)

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