

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13144 of 2024

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1. Naimuddin Son of Fateh Miyan Resident of Village- Balesra, Siswa, Saran, P.S.- Daudpur, Distt.- Saran, Bihar- 841205.
 2. Mohd. Islam, Son of Sukhaari Miya Resident of Village- Balesra, Siswa, Saran, P.S.- Daudpur, Distt.- Saran, Bihar- 841205.
 3. Kainool Haque, Son of Rasul Miyan Resident of Village- Balesra, Siswa, Saran, P.S.- Daudpur, Distt.- Saran, Bihar- 841205.
 4. Mohammad Naimuddin, Son of Wakil Dhobi Resident of Village- Balesra, Siswa, Saran, P.S.- Daudpur, Distt.- Saran, Bihar- 841205.
 5. Roja Dhobi, Son of Wakil Dhobi Resident of Village- Balesra, Siswa, Saran, P.S.- Daudpur, Distt.- Saran, Bihar- 841205.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Saran (Chapra), Bihar.
3. The Circle Officer, Manjhi, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarnath Kumar, Advocate
For the Respondent/s : Mr. Shatabdi Sinha, AC to SC-21

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 01-10-2024 The present writ petition has been filed for quashing the letter dated 16.08.2024, written by the Circle Officer, Manjhi, District-Saran i.e. the respondent no. 3 to the Revenue Officer, fixing the date for removal of the encroachment as 02.09.2024. The petitioners have also prayed for quashing of the entire encroachment proceedings initiated vide Encroachment Case No. 08 of 2023-



24.

2. At the outset, the learned counsel for the respondent-State has referred to the order dated 08.07.2024, annexed as Annexure-D to the counter affidavit filed in the present case, passed by the Circle Officer, Manjhi, District-Saran under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), in connection with Encroachment Case No. 08 of 2023-24 to submit that the petitioners have already been declared encroachers along with others, hence in case they so desire, they may file appeal under Section 11 of the Act, 1956.

3. In response, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 08.07.2024, by filing appropriate appeal under Section 11 of the Act, 1956, however, seeks some protection during the interregnum period. Liberty, so sought is granted.

4. It is needless to state that for a period of four weeks from today, status quo, existing as on



today, qua the land/houses of the petitioners in question shall be maintained in order to enable the petitioners to file appropriate appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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