

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14012 of 2024

1. Munna Sah son of Khublal Sah, Resident of Village-Banhaura Bazar, P.S.-Jagdishpur, District-West Champaran.
2. Vikash Kumar, son of Gopalji Prasad, resident of Village-Mahuawa, P.S.-Tautan, District-West Champaran.
3. Md. Qyum Ansari, son of Serajuddin Ansari, resident of Village-Sibuliya, P.S.-Tautan, District-West Champaran.
4. Binod Sah, son of Manager Sah, resident of Village-Harinagar, P.S.-Jagdishpur, District-West Champaran.
5. Rahamtullah Mian @ Rahamtullah son of Nur Mohammad Miyan, resident of Village-Nautan Tola, P.S.-Nautan, District-West Champaran.
6. Nek Mohammad, son of Late Yasin Miyan, resident of Village-Nautan Tola, P.S.-Nautan, District-West Champaran.
7. Gulshan Khatoon Wife of Saddam Hussain, resident of Village-Nautan Tola, P.S.-Nautan, District-West Champaran.
8. Bhimal Mian, son of Late Bhola Mian, resident of Village-Banhaura Bazar, P.S.-Jagdishpur, District-West Champaran.
9. Mainuddin Miyan @ Mainuddin Ahmad, son of Late Yasin Miyan, resident of Village-Banhaura Bazar, P.S.-Jagdishpur, District-West Champaran.
10. Alijan Mian, son of Late Fulman Mian, resident of Village-Nautan Tola, P.S.-Nautan, District-West Champaran.
11. Ramnath Choudhary, son of Late Jagdeo Choudhary, resident of Village-Banhaura Bazar, P.S.-Jagdishpur, District-West Champaran.
12. Jalauddin Ansari, son of Late Usman Miyan, resident of Village-Banhaura Bazar, P.S.-Jagdishpur, District-West Champaran.
13. Om Prakash Sah, son of Yogendra Sah, resident of Village-Bandaha, P.S.-Nautan, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land and Revenue Department, Government of Bihar at Patna.
2. The Collector cum District Magistrate, West Champaran at Bettiah.
3. The Additional Collector, West Champaran at Bettiah.
4. The Sub-Divisional Officer, Bettiah Sadar, District-West Champaran.
5. The Land Reforms Deputy Collector, Bettiah, Sadar, District-West Champaran.
6. The Circle Officer, Block-Nautan Circle, District-West Champaran at Bettiah.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Adv.
For the Respondent/s : Mr.Ajay Behari Sinha, Sr. Adv. GA- 8
Mr.Neeraj Raj, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 28-10-2024 1. Though the present writ petition has been filed for quashing the notice dated 05.08.2024, issued by the Circle Officer, Nautan Circle, District-West Champaran at Bettiah, i.e. the respondent no.6, under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956'), in connection with Encroachment Case No.09 of 2019-20, however, at the outset, the learned senior counsel for the respondent-State has referred to the counter affidavit filed in the present case to submit that the respondent no.6 has already passed the final order under Section 6(1) of the Act, 1956 on 05.08.2024, hence in case the petitioners are so aggrieved, they may an appeal under Section 11 of the Act, 1956.

2. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 05.08.2024, by filing appropriate appeal under Section 11 of the Act, 1956, however, seeks some protection during the interregnum period. Liberty so sought is granted.

3. It is needless to state that for a period of six 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 them to file appropriate appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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