

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13812 of 2024

1. Md. Salauddin @ Md. Slauddin son of Late Md. Ramjan @ Md. Ramju Miyan resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
2. Imamuddin, son of Late Mohammad Ramjan @ Md. Ramju Miyan resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
3. Kalam-Uddin @ Md. Kalam, son of Late Ramjan @ Md. Ramju Miyan resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
4. Md. Nizam, son of Late Md. Ramjan @ Md. Ramju Miyan resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
5. Najra Khatoon @ Nashra Khatoon, Daughter of Md. Ramjan @ Md. Ramju Miyan resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
6. Md. Mustakim @ Md. Mustamin, son of Late Nek Rasul, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
7. Md. Ashraf, son of Late Md. Mukhtar, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
8. Md. Alisher, son of Late Md. Mukhtar, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
9. Md. Mirza Hassan @ Md. Mirja Hassan, son of Late Md. Mukhtar, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
10. Md. Intakam, son of Late Md. Jamal, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
11. Md. Imran, son of Late Md. Jamal, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
12. Gulshan Khatoon, Daughter of Late Tahur Ali, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
13. Md. Shamad @ Md. Sahma Ali, son of Late Tahur Ali, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
14. Md. Haider Ali, son of Late Tahur Ali, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
15. Md. Ahmad, son of Late Tahur Ali, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
16. Raushan Khatoon, Wife of Wasi Alam, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
17. Mohammad Alamgir, son of Late Sarfuddin, resident of Mohalla- Mehdi



Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District-Patna.

18. Md. Sohail, son of Late Md. Jamshed, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
19. Md. Jahangir, son of Md. Sarfuddin, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
20. Md. Kalim @ Kalim, son of Late Rustam, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District-Patna.
21. Samsa Khatoon, Wife of Md. Murtuja resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
22. Md. Chand, son of Late Md. Alimuddin, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
23. Md. Firoj, son of Md. Alimuddin, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
24. Md. Moinuddin, son of Late Md. Alimuddin, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District-Patna.
25. Md. Aslam @ Akhlam, son of Late Abdul Hassan, resident of Mohalla-Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
26. Munna Quraishi @ Mannu, son of Late Ramjan Quraishi @ Md. Ramjan Miyan resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
27. Sanjida Khatun, Daughter of Vashik, resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
28. Md. Sarfu @ Sharfuddin, son of Md. Ishu-Uddin, resident of Mohalla-Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.
29. Md. Ilahi, son of Md. Tahur Sali @ Late Tahir Ali resident of Mohalla-Mehdi Nagar, Samanpura, Ward No. 5, Police Station-Shashtri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Revenue and Reforms Department, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Deputy Collector Land Reforms, Patna.
5. The Commissioner, Patna Municipal Corporation, Patna.
6. The Sub-Divisional Officer, Patna Sadar, Patna.
7. The Circle Officer, Patna Sadar, Patna.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Advocate
Mr.Zainul Aludin, Sr. Advocate
Mr.Kumar Rajdev, Advocate
Mr.Arvind Kumar, Advocate
For the Respondent/s : Mr.Government Pleader (14)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of an appropriate writ/writs in the nature of certiorari for quashing of Notice dated 05.08.2024, issued in Encroachment Case No. 20/2022-23, by the Circle Officer, Patna Sadar under Section 3 of the Bihar Public Land Encroachment Act, 1956, which is perverse and illegal.

(ii) For issuance of a writ in the nature of Mandamus directing the Circle Officer, Patna Sadar to drop the encroachment proceeding bearing Encroachment Case No. 20/2022-23, initiated against the petitioners, in view of the fact that the land in question is not a public land as claimed by Ramzan Miya and Others, in their application filed in the encroachment proceedings, which has been initiated against the petitioners, by the respondent Circle Officer, Patna Sadar.”

2. At the outset, the learned senior counsel for the petitioners seeks a direction upon the Circle Officer, Patna Sadar, Patna to pass the final order, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with



Encroachment Case No.20 of 2022-23 and till then it is prayed that some protection be granted to the petitioners, especially in view of the fact that the petitioners have already filed their objections on 24.08.2022.

3. Per contra, the learned counsel for the respondent-State submits that in case the final order has not yet been passed by the Circle Officer, Patna Sadar, Patna, in the aforesaid encroachment proceedings, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the petitioners shall not be disturbed till the same is passed.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Patna Sadar, Patna to consider the objections, already filed by the petitioners and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with aforesaid Encroachment Case No.20 of 2022-23, in case the same has not yet been passed and till then no coercive action shall be taken against the petitioners.

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

(Mohit Kumar Shah, J)

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