

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.264 of 2022

1. Ram Prasad Jadav @ Ram Prasad Yadav S/o late Bhagirth Yadav resident of Village- Sahora Tola Maulanagar, P.S. Atari, District- Gaya, Pin Code- 823311
2. Jalendra Kumar S/o Late Bundi Yadav resident of Village- Sahora Tola Maulanagar, P.S. Atari, District- Gaya, Pin Code- 823311
3. Suresh Choudhary S/o Late Dahu Choudhary resident of Village- Sahora Tola Maulanagar, P.S. Atari, District- Gaya, Pin Code- 823311
4. Brind Mistri @ Brij Mistri S/o Late Shiva Mistri resident of Village- Sahora Tola Maulanagar, P.S. Atari, District- Gaya, Pin Code- 823311

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Gaya.
3. The Superintendent of Police, Gaya.
4. The Deputy Collector, Land Reforms, Gaya.
5. The Sub- Divisional Officer, Atari, Gaya.
6. The Circle Officer, Atari-cum- Collector in Public Land Encroachment Act, 1956, Anchal Office, Atari, P.S. Atari, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 26-11-2024 Though the present writ petition has been filed for quashing the encroachment proceedings initiated vide Encroachment Case No. 10 of 2021 by the Circle Officer, Atari, District-Gaya, i.e. the respondent no. 6, however, at the outset, the learned counsel for the respondent-State has submitted, by referring to the counter affidavit filed in the present case, that



the respondent no. 6 has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), on 06.10.2021, hence in case the petitioners are so aggrieved, they may prefer an appeal under Section 11 of the Act, 1956.

2. At this juncture, the learned counsel for the petitioners though submits that the petitioners shall be challenging the aforesaid order dated 06.10.2021, by filing appropriate appeal under Section 11 of the Act, 1956, however, the appellate authority be also directed to consider the issue with regard to the provision contained in proviso to Section 6 of the Act, 1956, which stipulates that no action will be taken against a landless person, who has encroached up to 12.5 decimals of public land before 10th October, 1955.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file appropriate appeal against the aforesaid order dated 06.10.2021, passed by the respondent no. 6 and the appellate authority shall consider all the issues sought to be raised by the petitioners including the aforesaid issue, while deciding the appeal.

4. 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 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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