

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13632 of 2024

1. Sayjay Singh @ Sanjay Singh son of Late Ram Awadh Singh Resident of Village- Kekdaha, P.S.- Shivsagar, District. - Rohtas.
2. Nawal Kishor Singh son of late Ram Awadh Singh Resident of Village- Kekdaha, P.S.- Shivsagar, District. - Rohtas.
3. Ram Pujan Singh son of late Ram Awadh Singh Resident of Village- Kekdaha, P.S.- Shivsagar, District. - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate Rohtas at Sasaram.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub-divisional Officer, (S.D.O.), Shivsagar, Rohtas at Sasaram.
4. The Circle Officer, Shivsagar, Rohtas at Sasaram.
5. The Officer-Incharge, Shivsagar, Rohtas at Sasaram

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vikalp Kumar, Adv.
For the Respondent/s : Mr.Government Advocate 9

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 26-11-2024 The present writ petition has been filed for preventing the Respondents from demolishing the houses of the petitioners, situated at Mauza-Kekraha, Thana No. 51, appertaining to Khata No. 50, Kesra No. 14.

2. The learned counsel for the petitioners submits that though the Circle Officer, Shivsagar, District-Rohtas at Sasaram, i.e. the Respondent No. 4, has initiated encroachment proceedings, vide Encroachment Case No. 17 of 2022-23, however, since the petitioners are landless, land settlement



proceedings have already been initiated for settling the land in favour of the petitioners.

3. Per contra, the learned counsel for the Respondent-State has referred to the counter affidavit filed in the present case to submit that the Respondent No. 4 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 13.6.2024, in connection with Encroachment Case No. 17 of 2022-23, hence, in case the petitioners are so aggrieved they can file an appeal under Section 11 of the Act, 1956.

4. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file appropriate appeal under Section 11 of the Act, 1956, for the purposes of challenging the aforesaid order dated 13.6.2024, however, seeks some protection during the interregnum period. Liberty so sought is granted.

5. 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 them to file appropriate appeal and seek interim relief.

6. Accordingly, the present writ petition stands disposed off



on the aforesaid terms.

(Mohit Kumar Shah, J)

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