

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14461 of 2024

1. Md. Ansari Lall @ Ansari Lall Son of- Md. Reyazuddin @ Late Reyazuddin Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
2. Md. Asraf @ Asharf Son of- Khalku Miyan @ Late Khalkhuda Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
3. Md. Hussain @ Md. Huseen Anshari Son of- Md. Wali Anshari @ Late Bali Miyan Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
4. Md. Nanijul Khatoon @ Navijul Khatoon Wife of- Md. Vali @ Bali Miya Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
5. Md. Idris @ Idris Son of- Vafati Shah @ Valati Sai Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
6. Md. Akhtar Khan @ Md. Akhtar Son of- Late Nabbi Khan @ Md. Shami Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
7. Mustakh @ Md. Mustak Son of- Bakati Shah @ Valti Sai Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
8. Jahid @ Sjahid Son of- Balati Sai @ Vafati Sah Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
9. Salauddin @ Md. Salauddin Son of- Bafati Sai @ Md. Bafati Sah Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
10. Md. Baseer @ Md. Bashiruddin Son of- Kamruddin @ Mohammad Kamruddin Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
11. Chhotan Miyan @ Md. Chhotan Son of- Late Basheer @ Basid Nasir Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
12. Ismail Miyan Son of Basai Miyan Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
13. Mohammad Jafir Ahamad Son of- Mohammad Jahir @ Jahir Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
14. Sajida Bano Wife of- Md. Chand Mohammad, Mother- Md. Halima Khatoon Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
15. Mohammad Suleman Son of- Mohammad Taslim @ Md. Taslim Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri



Nagar, District- Patna.

16. Shamshad Son of- Samshuddin Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
17. Wajhiya Khatun Wife of- Md. Anwar Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
18. Sajida Khatoon Wife of- Md. Hafiz Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
19. Tara Khatoon Wife of- Md. Kayum Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
20. Mohammad Alim Son of- Kamal @ Md. Jamal Miya Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
21. Mahmood Khan @ Md. Maumumu Son of- Kallu Khan @ Md. Kallu Miyan Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
22. Nasima Khatun Wife of- Mohammad Chedi Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
23. Md. Shahid Son of- Md. Nasruddin Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
24. Mohammad Rahis Son of- Mohammad Abibul Rahman Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
25. Mohammad Shahabuddin @ Md. Sabdin Miyan Son of- Md. Maul Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
26. Md. Aftab Son of- Md. Islam Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
27. Nausad Son of- Farooque Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
28. Abdul Malik Son of- Hazi Ali Sher Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
29. Mohammad Chand Mohammad Arif Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
30. Mohammad Manawwar Ali Taj Son of- Mohammad Nasimuddin Resident of Mohalla- Mehdi Nagar, Samanpura, Ward No. 5, Police Station- Shashtri Nagar, District- Patna.
31. Md. Akeel Son of Nabbi Khan 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.Ramendra Kumar Bharti, Adv.
Mr.Zainul Abedin, Adv.
For the Respondent/s : Mr.Binod Kr. Yadav, SC-16
Mr.Madhukar Mishra, AC to SC-16
For the PMC : Mr.Prasoon Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 5 25-11-2024 1. Though the present writ petition has been filed for quashing the notice dated 07.09.2024, issued by the Circle Officer, Patna Sadar, District-Patna, i.e. the respondent no.7, in connection with Encroachment Case No.20 of 2022-23, however, at the outset, the learned senior counsel for the petitioners submits that since the Circle Officer, Patna Sadar, District-Patna, 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'), in connection with Encroachment Case No.20 of 2022-23, on 07.09.2024, the petitioners be granted liberty to challenge the same, by filing appropriate appeals under Section 11 of the Act, 1956, however, some protection be granted to the petitioners during the



interregnum period. Liberty so sought is granted.

2. 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 appeals and seek interim reliefs.

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

(Mohit Kumar Shah, J)

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