

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12636 of 2023

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1. Parmila Devi Wife of Krishna Rajak, Resident of Mohalla- Chand Chaura, P.S.- Vishnupad, District-Gaya.
 2. Gayatri Devi Wife of Mahendra Mishra, Resident of Mohalla- Brahm Sarovar, Ghughritarh, P.S.- Vishnupad, District- Gaya.
 3. Kalo Devi Wife of Sheo Kumar Ram, Resident of Mohalla- Bangali Ashram, Dakhin Darwaza, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Bihar, Patna.
2. The Commissioner, Magadh Range, Gaya.
3. The District Magistrate, Gaya.
4. The Circle Officer, Town Block, Gaya.
5. The Municipal Corporation, Gaya through its Municipal Commissioner, Gaya.
6. The Municipal Commissioner, Municipal Corporation, Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8455 of 2017

1. Reeta Devi wife of Udit Ram, Resident of Mohalla- Mangla Gauri, P.S.- Vishnupad, District- Gaya.
2. Sadhna Devi, wife of Sanjay Lal Bhaiya, Resident of Mohalla- Karsili, P.S.- Vishnupad, District- Gaya.
3. Sapna Devi, wife of Vivek Lal Bhaiya, Resident of Mohalla- Karsili, P.S.- Vishnupad, District- Gaya.
4. Santosh Kumar Gupta, son of Murli Manohar Gupta, Resident of Village- Karchoi, P.S.- Imamganj, District- Gaya.
5. Geeta Devi, wife of Devendra Kumar Sinha, Resident of Village- Matihani, P.S.- Mohanpur, District- Gaya.
6. Anita Devi @ Rakhee Devi wife of Late Deepak Seth, Resident of Mohalla- Panchmohalla, P.S.- Vishnupad, District- Gaya.
7. Kunti Devi, wife of Vishwanath Kumar, Resident of Mohalla- Panchmohalla, P.S.- Vishnupad, District- Gaya.
8. Chandana Devi, wife of Vikash Kumar Gupta, Resident of Mohalla- Deo Chaura, P.S.- Vishnupad, District- Gaya.
9. Guddi Barnwal, wife of Kundan Kumar, Resident of Mohalla- Chand Chaura, Sukhmana Mahadeo, P.S.- Vishnupad, District- Gaya.



10. Kalo Devi, wife of Sheo Kumar Ram, Resident of Mohalla- Bangali Ashram, Dakhin Darwaza, P.S.- Vishnupad, District- Gaya.
11. Gayatri Devi, wife of Mahendra Mishra, Resident of Mohalla- Brahm Sarovar, Ghughritarh, P.S.- Vishnupad, District- Gaya.
12. Pankaj Kumar, Son of Late Shiv Shankar Prasad, Resident of Mohalla- Panch Mohalla, P.S.- Vishnupad, District- Gaya.
13. Parmila Devi, wife of Krishna Rajak, Resident of Mohalla- Chand Chaura, P.S.- Vishnupad, District- Gaya.
14. Shyamdeo, Son of Late Shiv Charan Choudhary, Resident of Mohalla- Vaitarni Talab, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Magadh Range, Gaya.
3. The District Magistrate, Gaya.
4. The Circle Officer, Town Block, Gaya.
5. The Municipal Corporation, Gaya through its Municipal Commissioner, Gaya.
6. The Municipal Commissioner, Municipal Corporation, Gaya.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 12636 of 2023)

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
Mr. Priya Ranjan, Advocate
Mr. Mukesh Kumar, Advocate
Mr. Nitish Kumar, Advocate

For the State : Mr.Yogendra Pd. Sinha (AAG-7)

For the Gaya Municipal Corporation : Mr. Rabindra Kumar Priyadarshi, Adv.

(In Civil Writ Jurisdiction Case No. 8455 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the State : Mr.Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 26-09-2024 Though the first writ petition i.e. CWJC No. 12636 of 2023 has been filed for quashing the order dated 24.05.2023 passed by the Municipal Commissioner, Gaya, whereby and whereunder the petitioners have been directed to remove the encroachment in question whereas the second writ petition i.e.



CWJC No. 8455 of 2017 has been filed for quashing the order passed in Encroachment Case No. 12 of 2016-17 and Encroachment Case No. 15 of 2016-17, by the Circle Officer, Town Gaya, District-Gaya, whereby and whereunder the petitioners and others have been directed to remove the encroachment, nonetheless, the learned counsel for the petitioners of the aforesaid two cases has, at the outset, sought liberty to challenge the order dated 11.02.2017, passed in Encroachment Case No. 12 of 2016-17 by the Circle Officer, Town Gaya, District-Gaya, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

2. 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.

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

(Mohit Kumar Shah, J)

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