

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15463 of 2023

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1. Surendra Prasad Singh Son of Late Bundi Singh Resident of Village- Mian Bigha, P.S. and Anchal- Nardi Ganj, District-Nawada (Bihar)
 2. Sudama Singh Son of late Bundi Singh Resident of Village- Mian Bigha, P.S. and Anchal- Nardi Ganj, District- Nawada (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform Govt. of Bihar, Patna.
2. The Collector, Nawada.
3. The Additional Collector, Nawada
4. The Sub-Divisional Officer, Nawada (Sadar), Nawada
5. The Circle Officer, Nardiganj, Nawada

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Tejendra Sinha, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-05-2024 The present writ petition has been filed seeking the following relief:-

“(i) For issuance of an appropriate Writ/writs of Certiorari to Quash and Set -aside the order dated-28-04-2023 passed by the learned Additional Collector, Nawada in Encroachment Appeal Case No.01/2022-23(Annexure-7) by which the respondent has rejected the appeal and affirmed the order dated-26-02-2022 passed by the Circle Officer, Nardiganj (Nawada) in Encroachment Case No. 03/2021-22.

(ii) Further for issuance of an appropriate Writ to quash and Set-aside the order dated-26-02-2022 passed by the



Circle Officer, Nardiganj, Nawada in Encroachment Case No.03/2021-22 Main bigha Nardiganj, Nawada.

The petitioners have constructed the house over Plot No. 1552, Mauza- Miyan Bigha(Circle- Nardiganj,District- Nawada) on Raiyati Land and have never constructed any house over the Gairmazarua Aam Serv Sadharan land plot No. 1551 and Area- 7 dec. is RASTA toward South to North and altogether -7 house have been constructed over the approaching upon said plot No. 1551 and except these two brothers not any single person have been ever noticed.

(iii) Further, for direction to the respondent Circle Officer, Nardiganj to re-measurement the land in the presence of petitioners or their representative as the Circle Officer submitted fake and table work report without measurement the plot under dispute.

(iv) Further for issuance of an appropriate Writ/Writs to quash the order dated-08-10-2022 contained in Memo No.1473 and any consequential order by which the respondent without any prior valid notice, ordered to demolish the house of petitioners constructed over the plot No.-1552.

(v) Further, for a direction to the respondents not to take any coercive step against petitioners till the disposal of the instant Writ petition.”

2. Considering the fact that the present case involves disputed question of right, title and interest over the land in question, the learned counsel for the petitioners seeks



liberty on behalf of the petitioners to approach the civil court of competent jurisdiction for declaration of his right, title and interest over the alleged public land in question, however, seeks some protection during the interregnum period, for a period of eight weeks.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to avail such other alternative remedies as are otherwise available under the law, including that of filing a civil suit before the learned civil court of competent jurisdiction for redressal of their subsisting grievances, however, in order to enable the petitioners to avail appropriate alternative remedy, I deem it fit and proper to direct the respondents to maintain status quo existing as on today qua the land/houses in question, for a period of eight weeks from today.

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

(Mohit Kumar Shah, J)

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