

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15611 of 2023

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Pankaj Kumar Tandan Son of Late Shambhu Narayan Mehta Resident of
Village-Banjariya, Post-Motihari, P.S.-Banjariya, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Collector, Motihari, East Champaran.
3. The Executive Engineer, Tirhut Nahar Pramandal , Motihari East Champaran.
4. The Special Land Acquisition Officer Gandak Project Muzaffarpur.
5. The District Land Acquisition Officer, Motihari, East Champaran.
6. The Land Reforms Deputy Collector, Motihari East Champaran.
7. The Sub-Divisional Officer, Motihari East Champaran.
8. The Circle Officer Banjaria, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-05-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1. That this is an application for issuance of writ in the nature of certiorari order or orders direction of directions quashing the entire Land Encroachment Case launched against the petitioner by respondent no.-8 vide Bihar Land Encroachment Case No.-14/2021-22 as the same is barred by law of estoppels as is envisaged under section 115 of the Evidence Act by virtue of order passed by this Hon'ble Court in L.P.A. No.-626 of 2010 dated 5.4.2010 and



further mandamus may be issued to not demolish building of the petitioner through Land Encroachment Case No.-14/2021-22 and further appropriate direction may be given to that effect.”

2. At the outset, the learned counsel for the respondent-State has submitted by referring to paragraph no.7 of the counter affidavit, filed in the present case, that encroachment proceedings were initiated against the petitioner, vide Encroachment Case No.14 of 2021-22, wherein final order has been passed on 18.06.2022, by the Circle Officer, Banjaria, District-East Champaran, declaring the petitioner to be an encroacher, hence in case the petitioner is aggrieved, he may file an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 18.06.2022, by filing appropriate appeal, however, seeks some protection, during the interregnum period. Liberty so sought is granted.

4. It is needless to state that status quo existing as on today qua the land/house of the petitioner in question shall be maintained for a period of eight weeks from today in order to



enable the petitioner to file appropriate appeal, alongwith a petition for grant of interim relief.

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

(Mohit Kumar Shah, J)

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