

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16459 of 2023

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Sanjeev Mishra @ Sanjeev Kumar S/o Late Umesh Mishra, resident of
Village-Dath, Block-Hasanpur, P.S. Hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Samastipur.
2. The District Magistrate, Samastipur.
3. The Divisional Commissioner, Darbhanga.
4. The Sub Divisional Commissioner, Rosera, Samastipur.
5. The Circle Officer, Hasanpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kunal Tiwary, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-05-2024 The present writ petition has been filed
seeking the following reliefs:-

“1.(i) That the instant writ application is being filed for issuance of an appropriate writ in nature of Mandamus directing and commanding the Respondent authorities not to take any coercive action against the petitioner in Encroachment Case No. 01/2003 till disposal of Title Suit No. 215/2016 pending in the court of Additional Munsif, Rosera in view of the law laid down by the Hon'ble Apex Court in the case of Government of



Andhra Pradesh Vs. Thummafa Krishna Rao as reported in AIR 1982 SC 1081 as well as in the case of Uma Devi Sinha Versus State of Bihar as reported in 2001(2) PLJR 587 wherein the Hon'ble Court has held that the serious question of title cannot be decided in a summary proceeding under the Land Encroachment Act and further held that the petitioner in possession of land cannot be evicted unless the right entitle is declared by competent Civil Court in favour of State of Bihar."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the title suit bearing Title Suit No. 215 of 2016, which is pending before the learned Court of Additional Munsif, Rosera, District-Samastipur as also seeks liberty to file appropriate injunction petition for grant of interim protection, however, seeks protection for a period of four weeks from today. Liberty, so sought, is granted.

3. It is needless to state that for a period of four weeks from today, in order to enable the petitioner to file appropriate injunction petition for



grant of interim relief, status quo existing as on today qua the land/house of the petitioner in question, shall be maintained.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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