

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15536 of 2023

1. Sanjay Kumar S/o Late Madan Chowdhary Resident of Village-Bangaon Bazar, P.S.-Bajpatti, District-Sitamarhi.
2. Chiranjeev Kumar S/o Kailash Sah Resident of Village-Bangaon Bazar, P.S.-Bajpatti, District-Sitamarhi.
3. Ajeet Kumar S/o Ram Ekbal Choudhary Resident of Village-Bangaon Bazar, P.S.-Bajpatti, District-Sitamarhi.
4. Manoj Kumar S/o Late Ram ji Shah Resident of Village-Madhuban Bazar, P.S.-Bajpatti, District-Sitamarhi.
5. Ram Babu Sah S/o Late Surajee Sah Resident of Village-Madhuban Bazar, P.S.-Bajpatti, District-Sitamarhi.
6. Anurang Bihari @ Raghavendra Kumar S/o Jangli Sah Resident of Village-Madhuban Bazar, P.S.-Bajpatti, District-Sitamarhi.
7. Ramesh Chowdhary S/o Late Prahlad Chowdhary, Resident of Village-Madhuban Bazar, P.S.-Bajpatti, District-Sitamarhi.
8. Rajesh Kumar @ Rakesh Kumar S/o Late Ram Nagina Prasad Resident of Village-Madhuban Bazar, P.S.-Bajpatti, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Revenue Department Government of Bihar, Patna. Bihar.
2. The Collector Sitamarhi.
3. The Additional Collector, Sitamarhi.
4. The Circle Officer, Bajpatti, District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 13-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

*“1(i) For issuance of an appropriate writ
for quashing of the order dated
19.07.2023 passed by the Collector,*



Sitamarhi in Appeal No. 8/23 whereby the learned Collector has wrongly held the petitioners to be encroachers and order to vacate the land which is in the nature of Bazar and the petitioners have their respective shops over the plot in question since the time of his forefather after having settled in their favour for running shop and had paid rent to the authority.

(ii) For giving direction to the respondent authorities not to interfere in the possession of the petitioner's possession which is only source of livelihood since the time of his predecessors are ready to pay the rent at the enhanced rates prescribed by law.”

2. At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of 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 having competent jurisdiction, for redressal of their aforesaid grievances, however, seeks some protection during the interregnum period. Liberty so sought is granted.

3. 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 the petitioners to avail such efficacious remedies, as are otherwise available under the law and obtain interim relief.

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

(Mohit Kumar Shah, J)

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