

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16281 of 2023

1. Bhagwan Prasad @ Bhagawanji Prasad Son of Gaurishankar Prasad, Resident of village- Mainatand, Police Station Mainatand, District- West Champaran.
2. Chitranjan Thakur, Son of Ramakant Thakur, Resident of village- Chanpariya Tola, Rampurwa, Police Station- Mainatand, District West Champaran.
3. Md Kamil, Son of Sheikh Kurban, Resident of village- Basantpur Mainatand, Police Station- Mainatand, District- West Champaran.
4. Shambhu Prasad, Son of Gauri Shankar Sah, Resident of village and Police Station - Mainatand, District- West Champaran.
5. Santosh Prasad, Son of Rajkishor Mahato @ Raj Kishore Prasad, Resident of village- Chapariya Tola, Mainatand, Police Station- Mainatand, District- West Champaran.
6. Dharmesh Kumar, Son of Ramesh Prasad, Resident of village- Chapariya Tola Rampurwa, Police Station- Mainatand, District- West Champaran.
7. Ramesh Kumar, Son of Sri Narayan Prasad, Resident of village and Police Station- Mainatand, District- West Champaran.
8. Saroj Prakash, Om Prakash, Resident of village and Police Station- Mainatand, District- West Champaran.
9. Yogendra Prasad Chaurasiya, Son of Ganesh Prasad Chaurasiya, Resident of village and Police Station - Mainatand, District- West Champaran.
10. Prem Prakash, Son of Abhimanyu Prasad, Resident of village and Police Station - Mainatand, District- West Champaran.
11. Shyam Kumar, Son of Ash Narayan Prasad, Resident of village and Police Station - Mainatand, District- West Champaran.
12. Asha Devi, Wife of Gorakh Prasad, Resident of village and Police Station - Mainatand District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Additional District Magistrate, West Champaran at Bettiah.
4. Sub Divisional Magistrate, Narkatiyaganj, District- West Champaran.
5. DCLR, Narkatiyaganj, District- West Champaran.
6. Circle Officer, Mainatand, District- West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin



For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 19-11-2024 Though the present writ petition has been filed for quashing the encroachment proceedings, initiated by the Circle Officer, Mainatand, vide Encroachment Case No. 16 of 2023-24, however, at the outset, the learned counsel for the Respondent-State has referred to the counter affidavit filed in the present case to submit that the Circle Officer, Mainatand, has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), on 9.11.2023, hence, in case the petitioners are so aggrieved they may prefer an appeal under Section 11 of the Act, 1956.

2. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the aforesaid order dated 9.11.2023, by filing appropriate appeal, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

3. 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.



4. Accordingly, the present writ petition stands disposed off
on the aforesaid terms.

(Mohit Kumar Shah, J)

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