

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16292 of 2023

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Smt. Sabita Devi Wife of Shri Birchandra Pd. Yadav, resident of Village-Govindpur Gokhula, P.O. Govindpur Gokhula, Via-Bidupur, Police Station-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the D.M. Vaishali, District-Vaishali.
2. The District Magistrate, Vaishali.
3. The Circle Officer, Bidupur, District-Vaishali.
4. The National Highway Authority of India (N.H.A.I.) Bihar Sharif, Police Station-Bihar Sharif, District-Nalanda.
5. Suman Kumar Rai Son of Brahmdeo Rai, resident of Village-Bajidpur Saidat, Police Station-Bidupur, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar, Adv.
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 1. The present writ petition has been filed seeking the following relief(s):-

“1. That the present writ application is being filed in the nature of certiorari for setting aside the order dated 20.8.2022 passed in Encroachment Case No.2 of 2016-2017 and entire proceedings of the said Encroachment Case as order has been passed Under Section 6 of the Bihar Public Land Encroachment Act, 1956, as petitioner has never been served any notice depriving her of participation in proceedings as entire proceedings Under Section 3 of the Bihar Public Land Encroachment Act has been initiated on Raiyati



land hence the order is illegal, has been passed without following the due process of law and that too under the pressure of vested interested private respondent No.5 as Respondents has acquired only 03.5 dec. of land out of 8 dec. from the old Khesra No.171, New Khesra No.342, but order has been passed for 05.1/2 dec. of land.

For restraining the Respondents authorities in disturbing the lawful and peaceful possession of the petitioner over the land bearing at Mauza-Mustafapur, Thana No.466, Khata No.128, Old Khesra No.171, New Khesra No.342, Area 3 dhur (3/4 decimals) out of 8 decimals of land in the said Khesra for which the mutation was in the name of the petitioner and rent receipt is also being issued in her favour.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Bidupur, District-Vaishali, by filing her objections in the encroachment proceedings in question, initiated by the Circle Officer, Bidupur, District-Vaishali, under the provisions of the Bihar Public Land Encroachment Act, 1956, however, seeks some protection during the interregnum period.

3. Having regard to the limited prayer made by the learned counsel for the petitioner, I deem it fit and proper to grant liberty to the petitioner to approach the Circle Officer,



Bidupur, District-Vaishali, by filing her objections in the encroachment proceedings in question, within a period of four weeks from today, whereupon the Circle Officer, Bidupur, District-Vaishali, shall consider the same, in accordance with law and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith and till then, status quo, existing as on today, qua the land/house of the petitioner in question, shall be maintained.

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

(Mohit Kumar Shah, J)

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