

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18503 of 2023

Nilam Devi @ Neelam Devi Wife of Ashok Kumar, Resident of Ward no. 12,
New Area Piparpati, P.S.- Kotwali, District, Gaya and presently residing at
Kumhrar road near dhanki pump house, Patna- 800026.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Circle Officer, Patna Sadar.
3. The Deputy Collector Land Reforms, Patna City.
4. Deputy Collector, Revenue, Patna Sadar, Patna.
5. Secretary to Commissioner, Patna Division, Patna.
6. Collector, Land Reforms, Patna.
7. Sub Divisional Officer, Patna City.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nilanjan Chatterjee, Advocate Mr. Anuranjan Patel, Advocate Mr. Sahil Kumar, Advocate Mr. Anirvan Choudhuri, Advocate
For the State	:	Mr. Kumar Alok (Sc7) Mr. Satyeshwar Prasad, AC to SC-7

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-07-2024 The present writ petition has been filed seeking the
following relief:-

“i) To issue a Writ in nature of Certiorari for quashing the notice "Prapatra II" dated 04/11/2023 issued for vacating the said land within dated 16/11/2023 under section 6(2) of Bihar Public Land Encroachment Act 1956 in Atikraman Waad (Encroachment petition) No. 10/2023-2024. And/or
ii) For issuance of order(s)/ direction(s) or writ(s) in nature of Mandamus directing to establish the ownership



of the petitioner who purchased the land (Khata No. 850, Plot No. 2207, Tauzi No. 303) situated at dhanki More, Police Station- Agam Kuan, Sandalpur, Patna from said Smt. Mahmood Fatma vide sale deed no.13173 dated 07/12/2021 where the absolute/ perfect ownership and possession of Smt. Rashida Khatoon regarding the said land was established by Hon'ble Patna High Court vide its order dated 06/08/2014 passed in CWJC No. 5859 of 2014. And/or

iii) For issuance of order(s)/ direction(s) or writ(s) in nature of Certiorari to quash the further proceedings of the Circle Officer, Patna Sadar in Encroachment Case No. 10/2023-24 which was initiated suo-moto by the said circle officer who wrongly/intentionally showing that the petitioner encroach the Plot no.849 & 889 Khesra no.2208 & 2209 and trying to show the said land belongs to Road Construction Department. And/or

iv) To further issue a writ of Certiorari and may kindly to quash the order dated 10/08/2022 passed in Mutation Appeal Case No. 16/2022-23 passed by learned D.C.L.R., Patna City whereby and whereunder the mutation appeal filed by the petitioner has been rejected. And/or

v) For issuance of order(s)/ direction(s) or writ(s) in nature of Prohibition by which the respondent authorities shall be prohibited from disturbing the petitioner regarding the ownership-cum-possession of the land in question and, also to compensate the petitioner against the damage caused to her because of the respondents.

vi) For issuance of a direction to stop the vandalizing of under construction building of the petitioner.



vii) For issuance of direction to start the proceedings Mutation Revision Case No. 2 of 2022-23 which is pending in the court of Additional Collector till now.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 04.11.2023, passed by the Circle Officer, Patna Sadar, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.10 of 2023-24, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, however, he seeks some protection on behalf of the petitioner during the interregnum period.

3. Having regard to the limited prayer made by the petitioner, I deem it fit and proper to grant liberty to the petitioner to challenge the aforesaid order dated 04.11.2023, by filing appropriate appeal and in case such an appeal is filed, within a period of four weeks from today, the appellate authority shall consider the same on merits and pass a reasoned and a speaking order, within a period of six weeks, thereafter.

4. It is needless to state that in case appropriate appeal is filed by the petitioner, within a period of four weeks from today, status quo, existing as on today, qua the land/house of the petitioner in question shall be maintained till disposal of



the appeal to be filed by the petitioner, under Section 11 of the Bihar Public Land Encroachment Act, 1956.

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

(Mohit Kumar Shah, J)

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