

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17411 of 2023

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Ishwari Prasad Singh Son of Late Keshri Prasad Singh, Resident of village and P.O.- Tetradh, P.S. Akorhi Gola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate, Rohtas, (Sasaram).
3. The Circle Officer, Akorhi Gola, District- Rohtas (Sasaram).
4. Arvind Kumar Singh, Son of late Baliram Singh Resident of village and P.O. Tetradh P.S.- Akorhi Gola, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kamal Narayan Chaubey, Sr. Advocate Mr.Ashok Kumar Garg, Advocate Mr.Dineshwar Pandey, Advocate Mr.Kumar Kartikeya, Advocate Ms.Ritu Priyadarhsni, Advocate Mr.Sanjeev Kr. Pathak, Advocate
For the State	:	Mr.Prashant Pratap (Gp2)
For Respondent	:	Ms.Kumari Chandna, Advocate Mr.Amrendra Kr. Singh, Advocate Ms.Alka Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of an appropriate writ/ writs, order/orders, direction/directions in the nature of certiorari for quashing the notice dated 31.10.2023 issued in Encroachment case No.05/2023- 24 in purported exercise of the power under section 3 of the Bihar Public Land Encroachment act(herein referred to as "Act") issued by the Circle Officer, Akorhi Gola,



district- Rohtas asking the petitioner as to under what circumstances he has encroached the land bearing Khata No.223, Khesra No.861, area 5.9 Decimal, Thana No.93 situated in village Tetradh, P.S. Akorhi Gola, district- Rohtas.

(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of mandamus directing the respondent no.3 not to take any action in pursuance of the notice dated 31.10.2023, issued by him in Encroachment case no.05 of 23-24, during the pendency of this writ petition.”

2. At the outset, the learned senior counsel for the petitioner submits that though the petitioner had filed a title suit bearing Title Suit No.116 of 2019, before the learned Court of Sub-Judge-I, Sasaram at Rohtas, however, the same has been dismissed for default, whereafter the petitioner has filed a miscellaneous case bearing Miscellaneous Case No.143 of 2023, for restoration of the aforesaid suit, hence he be granted liberty to pursue the said cases. Liberty so sought is granted.

3. At this juncture, the learned senior counsel for the petitioner seeks some interim protection during the interregnum period.

4. Having regard to the prayer made by the learned



senior counsel for the petitioner and in the interest of justice, I deem it fit and proper to direct the respondents to maintain, status quo existing as on today qua the land/house of the petitioner in question for a period of eight weeks from today.

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

(Mohit Kumar Shah, J)

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