

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17148 of 2023

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Ramchandra Thakur Son of Late Janak Thakur, Resident of Village -
Bhattpura, P.S. - Manigachhi, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reform, Bihar, Patna.
2. The Collector cum District Magistrate, Darbhanga.
3. Sub-Divisional Officer, Darbhanga.
4. The Deputy Collector Land Reforms, Darbhanga.
5. The Circle Officer, Manigachhi, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bikram Kumar, Adv.
For the Respondent/s : Mr.Madanjeet Kumar (Gp 20)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-08-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(A). For quashing the order dated 15.09.2023,
passed in Encroachment Case No. 14/2023-24,
issued against the petitioner, with a direction to
remove the encroachment by 29.09.2023, from
Khata No. 398, Khasra No. 719, situated at
Village Bhattpura, P.S. Manigaachi, District,
Darbhanga, as the aforesaid land has been found
to be public land as defined under Section-5 (2)
of the Bihar Public Land Encroachment Act,
1956 (for short "the Act, 1956"), with a further
direction that in disobedience of the order, the
petitioner would be liable for prosecution under



Section 188 of the Indian Penal Code.

(B)(i). To hold the order, contained in Annexure-1, to be without jurisdiction and in complete violation of the Act, 1956.

(ii). To restrain the respondents from giving effect to the order, contained in Annexure-1 to the petition.

(iii). To hold that the petitioner has right, title and interest over the property upon which his residential house is constructed for more than 70 years.”

2. At the outset, the learned counsel for the petitioner has submitted, by referring to the counter affidavit filed in the present case that the Circle Officer, Manigachhi, District-Darbhangha, has already passed the final order dated 15.9.2023 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No. 14 of 2023-24, hence, in case the petitioner is aggrieved by the same, he can prefer an appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file appropriate appeal against the aforesaid order dated 15.9.2023, passed by the Circle Officer, Manigachhi, District-Darbhangha, if so advised.



4. It is needless to state that for 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 so as to enable the petitioner to file appropriate appeal and seek interim relief.
5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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