

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16960 of 2023

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Rajendra Prasad @ Rajendra Prasad Warma S/o of Ganauri Prasad Resident
of Village Kukurbar, Police Station Telhara, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Sub Divisional Magistrate, Hilsa.
4. The Circle Officer, Islampur, District Nalanda.
5. The Circle Inspector, Islampur, District Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Chandra Pandey, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC-19)
		Mr. Atul Shankar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-06-2024 The present writ petition has been filed
seeking the following relief:-

“1. That this is an application of writ/ writs in the nature of Certiorari for quashing the Notification / order dated 05.10.2023, contained in Memo No. 2710 dated 05.10.2023 in Encroachment Case No. 58 of 2022-23 passed by Respondent No. 4, Circle Officer, Ekangar Sarai, Nalanda whereby and whereunder the Respondent authorities without applying his independent mind and even without going through the record issued Notice to the petitioner and directed to remove the



encroachment from a piece of land which is situated at village Kurkurbar, Thana No. 14, P.S. Telhara, District Nalanda Plot No. 821 total measuring area 1.46 decimal which is completely wrong and without any basis and abuse of process to the petitioner it is fit to be quashed.”

2. At the outset, the learned counsel for the respondents has submitted, by referring to the counter affidavit filed in the present case, that the Circle Officer, Ekangar Sarai, District-Nalanda 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 05.10.2023 in connection with Encroachment Case No. 58 of 2023-24, hence in case the petitioner is aggrieved by the same, he may file an appeal under section 11 of the Act, 1956.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to assail the aforesaid order dated 05.10.2023, by filing appropriate appeal. Liberty, so sought, is granted.

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 in order to enable the petitioner to file appropriate appeal and obtain interim orders.

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

(Mohit Kumar Shah, J)

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