

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17877 of 2023

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Mohan Singh Son of Indradeo Singh R/o-Vill and P.O.-Kaithi, P.S. Bagengola, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Reforms Department, Patna,
2. The District Magistrate, Buxar.
3. The Sub-Divisional Magistrate, Dumaron.
4. The Circle Officer, Brahmpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan Kr. Pandey, Adv.
For the Respondent/s	:	Mr. K.P. Gupta, GP-10
		Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-09-2024 The present writ petition has been filed seeking the following reliefs:-

“1. That this is an application for issuance of a writ in the nature of certiorari quashing the notice dated 21.11.2023, issued under the signature of the learned Anchal Adikari, Brahmpur, District-Buxar, in Encroachment Case No-10/23-24 and for consequently quashing the entire proceeding of the said Encroachment Case No-10/23-24, pending before the said Court. The said proceeding has been initiated over the land bearing Khata No-719, Khasra No-2310, total area about 15 feet X 10 feet, situated at Muza Kaithi, Thana No-263, Anchal- Brahmpur, Buxar, and the petitioner has been directed to remove the encroachment made over the land in question,



upon which the petitioner has a concrete House (Pacca Makan) since more than 100 years.

1/A. For issuance of a writ in the nature of mandamus commanding and directing the respondents authority to give proper opportunity of hearing to the petitioner during encroachment proceeding and restrain the respondent No-4 from passing any such order, without hearing the petitioner.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the pending title suit bearing Title Suit No. 789 of 2023, which is pending consideration before the learned Court of Sub-Judge III, Dumrao at Buxar, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

3. It is needless to state that status quo, existing as on today qua the land / house of the petitioner in question, shall be maintained for a period of six weeks from today, in order to enable the petitioner to obtain interim relief in the pending title suit.

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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