

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18284 of 2023

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Badal Prasad Son of Late Chamru Mahto @ Late Chamru Prasad, resident of
Mohalla - K.C. Ghosh Lane, Jogsar, Near Bam Kali Mandir, P.S.- Jogsar,
District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Bhagalpur.
2. The Collector, Bhagalpur.
3. The Circle Officer, Jagdishpur, Bhagalpur.
4. The Bhagalpur Municipal Corporation, Bhagalpur through its
Commissioner.
5. The Commissioner, Bhagalpur Municipal Corporation.
6. The Dy. Development Commissioner, Municipal Corporation, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Navjot Yesu, Advocate Mr. Alok Kumar Sinha, Advocate
For the State	:	Mr. Raghwanand, GA-11 Mr. Pratik Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2024 The present writ petition has been filed seeking the
following relief:-

“1. That this is an application for issuance of an appropriate Writ(s), Order(s) or Direction(s) for quashing of the Notice as contained in Memo No- 669 dated 7.6.2023 passed by Dy. Development Commissioner, Municipal Corporation, Bhagalpur whereby and whereunder a notice has been issued to the Petitioner mentioning therein that the Petitioner has violated the provisions of Section 435 of the Bihar Municipal Laws and further he has been asked to remove the alleged encroachment done by the Petitioner.



And further issuance of an appropriate Writ(s), Order(s) or Direction(s) for quashing of the Special Notice as contained in Case No-12/2023-24 dated 22.7.2023 issued by the Circle Officer, Jagdishpur, Bhagalpur whereby and whereunder the Petitioner has encroached the Land of Hathiya Sewage which is in teeth of Section 435 of Bihar Municipal Laws.

And during the pendency of the instant case the Impugned Notice dated 7.6.2023 as contained in Memo No- 669 issued by Dy. Development Commissioner, Municipal Corporation, Bhagalpur and Special Notice as contained in Case No- 12/2023-24 dated 22.7.2023 issued by the Circle Officer, Jagdishpur, Bhagalpur may remain stayed.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 22.07.2023, passed by the Circle Officer, Jagdishpur, Bhagalpur in connection with Encroachment Case No.12 of 2023-24, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

3. It is needless to state that in order to enable the learned counsel for the petitioner to file appropriate appeal along with an application for grant of interim relief, 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 six weeks from today.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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