

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17376 of 2023

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1. Shivalak Yadav @ Shivbalak Yadav Son of Dashi Yadav @ Dashai Yadav @ Desai Yadav resident of village -Silounja, P.S - Bodhgaya, Gaya.
 2. Ganeshi Yadav, Son of Dashi Yadav @ Dashai Yadav @ Desai Yadav resident of village - Silounja, P.S - Bodhgaya, Gaya.
 3. Jitendra Yadav Son of late Lila Yadav resident of village - Silounja, P.S - Bodhgaya, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The Commissioner, Magadh Range, Gaya.
3. The District Magistrate, Gaya
4. The Sub Divisional Officer, Sadar, Gaya
5. The Circle Officer, Bodhgaya, Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr.Standing Counsel 7

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 28-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(I) For issuance of appropriate writ or writs, order or orders, direction or directions to the respondents for quashing the notice no. 1671 dated 08.11.2023 (contained in Annexure - 3) issued by the Circle Officer, Bodhgaya whereby and whereunder the petitioners herein have been directed to remove the permanent constructions on their land as vide the last



order of Encroachment case no. 10 of 2022-23, same has been held to be encroachment on public land contained in Mauza Silaunja, Thana no. 442, Khata no. 235, Plot no. 1025, failing which the aforesaid constructions shall be removed in presence of police authorities even though the constructions stand on raiyati land of the petitioners.

(II) Further for directing the Circle Officer, Bodhgaya to take no coercive steps, specifically regarding demolition of the construction made, including dwelling house, boundary wall and structures of the petitioners in pursuance to Encroachment case no. 10/2022-23.

(III) Further for issuance of an appropriate writ or writs, order or orders, direction or directions to the respondent authorities to get the area of the land of the petitioners demarcated by competent Amins in presence of the petitioners after giving them due notice of the same.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the final order, passed by the Circle Officer, Bodhgaya, Gaya, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.10 of 2022-23, by filing appropriate appeal under Section 11 of the Bihar Public



Land Encroachment Act, 1956. Liberty so sought is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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