

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17763 of 2023

-
1. Baram Singh @ Brahma Singh S/o Purshotam Singh Resident of Village- Atma P.S.- Islampur, District- Nalanda (Bihar).
 2. Ramji Sharma @ Ramji Thakur, S/o Karu Thakur Resident of Village- Atma P.S.- Islampur, District- Nalanda (Bihar).
 3. Shubhash Singh, S/o Ramashish Singh Resident of Village- Atma P.S.- Islampur, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Deputy Collector Land Reforms, Hilsa, District- Nalanda.
4. The Sub Divisional Officer-cum- Sub Divisional Magistrate, Hilsa, Nalanda.
5. The Circle Officer, Islampur, District- Nalanda.
6. Om Prakash Yadav, S/o Late Monga Yadav, Resident of Village- Atma, P.S.- Islampur, District- Nalanda-801303.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate Mr. Arvind Kumar, Advocate Mr. Bhim Sen Prasad, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, AAG-7 Mr. Rajeev Kumar Sinha, AC to AAG-7
For respondent no.6	:	Mr. Suresh Kumar, Advocate Mr. Arbind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-07-2024 The present writ petition has been filed seeking the following relief:-

“1. That the petitioners seek indulgence of this Hon'ble court for issuance for an appropriate writ/ writs, order/ orders, direction/ directions to the respondent concerned who has issued notice to the petitioners in Encroachment Case No. 19/ 2022-23 and has vide letter No 1724 dated



18-07-2023, issued under the signature of Circle Officer, Islampur, Nalanda (Respondent No 5), directed the petitioners, with regard to the land bearing Khata No 161, Khesra No 1110, Area 0.15 Acre situated at mauja-Atma, Islampur, District- Nalanda, to vacate the house where petitioners are living since about 59 years i.e. since 05-3-1964 after constructing the house.”

2. At the outset, the learned counsel for the respondent-State has pointed out that though Encroachment Case No.19 of 2022-23 was initiated by the Circle Officer, Islampur, District-Nalanda long back, however, notices have been issued afresh in the year 2023 to the encroachers, including the petitioners and in case no final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed till date, the same would definitely be passed, within a period of four weeks from today and accordingly, appropriate action would be taken by the Circle Officer, Islampur, District-Nalanda, thereafter. It is directed, accordingly.

3. At this juncture, the learned counsel for the petitioner submits that in case the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has already been passed by the Circle Officer, Islampur, in connection with Encroachment Case No.19 of 2022-23, the petitioner may be



granted liberty to challenge the same, 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 petitioners shall be maintained.

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

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

