

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18455 of 2024

Ramesh Yadav S/o Late Jagadish Prasad Yadav @ Jagdish Yadav, Resident of
Village- Udakishunganj, P.S. Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhepura.
2. The Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna, 800004, through its Managing Director.
3. The Managing Director of the Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna-800004, through its Managing Director.
4. The Deputy General Manager (Legal) of Bihar Industrial Area Development Authority, Patna.
5. The Deputy General Manager, BIADA Saharsa cluster, District- Saharsa
6. The Regional Manager of the Industrial Area, Udakishunganj, P.O. and P.S. Udakishunganj, District-Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr. Siddharth Harsh, Advocate Mr. Alok Kumar Singh, Advocate
For the Respondent/s	: Standing Counsel 11
For the Intervener petitioner	: Mr. Gautam Kejriwal, Advocate Mr. Atal Bihari Pandey, Advocate Mr. Mukund Kumar, Advocate Mr. Aditya Raman, Advocate Mr. Akash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-12-2024 The present writ petition has been filed
seeking the following reliefs:-

“1.a) For issuance of an appropriate writ/order/direction setting aside the order dated 14.11.2024 passed by the Managing Director, B.I.A.D.A., Patna which was communicated to the petitioner in terms in Memo No. 5530/L dated 19.11.2024, issued by the Deputy General Manager, Law, B.I.A.D.A., Patna.

b) For issuance of an appropriate



writ/order/direction setting aside the order dated 21.03.2024 passed in Encroachment Case No. 1/2024 by the Managing Director of the B.I.A.D.A., Patna whereby and whereunder the petitioner has been declared to have encroached 7453 square feet land of Plot No. 1761, situated at Mauja-Kishunganj, District-Madhepura.

c) For issuance of an appropriate writ/order/direction, quashing the notice dated 23.03.2024, issued by the Deputy General Manager of B.I.A.D.A., Saharsa cluster, directing the petitioner to remove the encroachment made over the said plot.

d) For issuance of an appropriate writ/order/direction staying the effect of the impugned orders and notice, during pendency of this writ application."

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to prosecute the Title Suit already filed by him bearing Title Suit No. 58 of 2024, which is pending adjudication before the learned Court of Subordinate Judge-I, Civil Court, Udakishunganj,



District-Madhepura, nonetheless, submits that since the said Court was vacant earlier and some time would be required to pursue the petition filed by the petitioner under Order 39 Rule 1 of the Code of Civil Procedure, 1908, before the Ld. Trial Court, some protection be granted during the interregnum period. Liberty, so sought, is granted.

3. For the aforesaid reasons, as canvassed by the learned counsel for the petitioner, I deem it fit and proper to direct that for a period of four weeks from today, status quo existing as on today qua the house of the petitioner in question shall be maintained.

4. It is needless to state that any observation made in the present order shall not be construed to be expressing any opinion on the merits of the case.

5. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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