

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17430 of 2023

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1. Rajesh Kumar S/o Late Sitaram Prasad, resident of Village- Raghunathpur, P.S. and P.O.- Raghunathpur, District- Siwan.
 2. Jitendra Kumar Dubey, S/o Sri Ramji Dubey, Resident of Village- Santhi, P.S- Raghunathpur, District- Siwan.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Patna Bihar.
2. The Collector Cum District Magistrate, Siwan.
3. The Additional Collector, Siwan.
4. The Deputy Collector, Land Reforms, Siwan.
5. The Circle Officer, Raghunathpur, District- Siwan..

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Nawnit Kumar Tiwary, Advocate
	:	Mr. Ranjan Kumar Dubey, Adv.
	:	Mr. Kumar Gaurav, Adv.
	:	Mr. Shashank Kashyap, Adv.
For the Respondent/s	:	Ms. Divya Verma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 20-08-2024 The present writ petition has been filed seeking the following reliefs:-

(i) For issuance of writ in the nature of certiorari for quashing the notice issued under the signature of Circle Officer, Raghunathpur vide Memo No.1800, dated 17.11.2023 by which petitioner has been asked to remove the alleged encroachment from the land of Khata No. 781, Plot No. 1789 area 31 decimals though petitioner's



house is situated over land of Thana No. 384, Khata No. 780, Plot No. 1787 and 1788.

(ii) For issuance of appropriate writ commanding and directing the respondents, particularly DCLR, Siwan to conclude the proceedings of Measurement Appeal No. 03/2023, filed by the petitioners and till the final disposal of the same, the respondent Circle Officer, Raghunathpur may be restrained from taking any coercive steps against the petitioners.”

2. At the outset, the learned counsel for the respondent-State has not disputed the fact that an appeal bearing Measurement Appeal No.03/2023, filed by the petitioners, is pending consideration before the Deputy Collector Land Reforms, Siwan Sadar, hence it is submitted that the same would definitely be concluded at the earliest.

3. *Per contra*, the learned counsel for the petitioners submits that till the disposal of the aforesaid appeal, some protection be granted to the petitioners.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Deputy Collector Land Reforms, Siwan Sardar to dispose off the aforesaid measurement appeal, within a period of six weeks from today, and till then, no coercive action shall be taken against the petitioners.



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

(Mohit Kumar Shah, J)

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