

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17990 of 2023

1. Surendra Prasad Son of Late Ramlochan Prasad, Resident of Village- Belha Bathnaha, Circle- Ghoghardiha, Police Station- Phulparas, District- Madhubani.
2. Vinay Kumar @ Binay Kumar Sah, Son of Rameshwar Sah, Resident of Village- Belha Bathnaha, Circle- Ghoghardiha, Police Station- Phulparas, District- Madhubani.
3. Prabhu Narayan Prasad, Son of Kapleshwar Sah, Resident of Village- Belha Bathnaha, Circle- Ghoghardiha, Police Station- Phulparas, District- Madhubani.
4. Kaushal Prasad, Son of Siheshwar Prasad, Resident of Village- Belha Bathnaha, Circle- Ghoghardiha, Police Station- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector-cum-District Magistrate, Madhubani.
3. The Sub-Divisional Magistrate, Phulparas, District- Madhubani.
4. The Deputy Collector Land Reform, Phulparas, District- Madhubani.
5. The Circle Officer, Ghoghardiha, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate
For the Respondent/s : Mr.Government Pleader (3)

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.(i) For issuance of an appropriate order, direction or writ in the nature of Certiorari for quashing notice dated 22.11.2023 (Annexure-P/5) issued under section 6(2) of the



Bihar Land Encroachment Act, 1956, by the Circle Officer, Ghoghardiha, Madhubani in Encroachment Case No.19/2021-2022, whereby and whereunder petitioner has been directed to vacate the land Niwas Gram- Belha, Thana No.104, Police Station-Phulparas, District-Madhubani u/s 6(1)(5) Niwas Gram-Belha, Thana No.104, District-Madhubani, Khata No.927, Khesra No.8340, Area-6 katha 11 Dhur which has been found Public Land under section 2(3) whereby petitioners have been directed to vacate the abovesaid land till 07.12.2023.

(ii) Further for quashing notice dated 15.04.2023 (Annexure-P/3) under section 3 of the Bihar Record Room Land Encroachment Act, 1956 concerning the petitioners whereby petitioner has been directed to appear on dated 04.05.2023 at 12 A.M. to defend their case in Encroachment Case No.19/2021-22 before Circle Officer, Ghoghardiha, District- Madhubani."

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, Ghoghardiha, District-Madhubani under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No. 19 of 2021-22, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty, so sought, is granted.

3. In order to enable the petitioners to file appropriate appeal along with a petition 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/houses of the petitioners in question, for a period of six weeks from today.

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

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

