

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.276 of 2024

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Rajesh Kumar S/o Late Ashok Prasad, resident of Village-Majeedpur, P.S.
Manpur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Department of Revenue and Land Reform,
Government of Bihar, Patna.
3. The District Magistrate District Collector, Nalanda at Biharsharif.
4. The Collector cum Circle Officer, Biharsharif, District-Nalanda.
5. The Mukhiya, Gram Panchayat Raj Sharbahdi, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binit Kumar, Adv.

For the Respondent/s : Mr.Government Advocate 05

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-08-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). To issue an appropriate writ(s) order(s) or
direction(s) particularly in nature of certiorari to
set aside order dated 18.08.2023, passed in
Encroachment Case No. 08/2023-24, by the
Circle Officer, Biharsharif, District-Nalanda.

(ii). To issue an appropriate writ(s) particularly in
nature of mandamus to direct the Respondent(s)
concerned to construct the demolished house of
the petitioner in its original shape at Mauza-
Majeedpur, Khata No.-118, Plot No.-1059, Area-



7 decimal, thus pay him appropriate compensation for causing him undue harassment physically, mentally and socially.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 18.8.2023, passed by the Circle Officer, Bihar Sharif, in Encroachment Case No. 8 of 2023-24, by filing appropriate appeal, under Section 11 of the Bihar Public Land Encroachment Act, 1956, however, seeks some protection during the interregnum period.

3. Having regard to the limited prayer made by the learned counsel for the petitioner, I deem it fit and proper to grant liberty to the petitioner to file appropriate appeal against the aforesaid order dated 18.8.2023 and in case, the same is filed within a period of four weeks from today, the Appellate Authority shall consider the same on merits and pass a reasoned and a speaking order, forthwith.

4. In order to enable the petitioner to file appropriate appeal and seek interim orders, I deem it fit and proper to direct the State Respondents to maintain status quo, existing as on today qua the land / house of the petitioner in question, for a period of four weeks from today.



5. Accordingly, the present writ petition stands disposed off
on the aforesaid terms.

(Mohit Kumar Shah, J)

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