

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18645 of 2023

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1. Bajrang Yadav Son of Late Gangai Yadav @ Ganga Narayan Yadav Resident of Village-Radh, Ward No-2, Post-Malmal, P.S.-Kaluahi, District-Madhubani.
 2. Rajeshwar Yadav Son of Late Gangai Yadav @ Ganga Narayan Yadav Resident of Village-Radh, Ward No-2, Post-Malmal, P.S.-Kaluahi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate, District-Madhubani.
3. The Deputy Collector Land Reform, Sadar Madhubani, District-Madhubani.
4. The Sub-Divisional Officer, Madhubani.
5. The Circle Officer, Kaluahi, District-Madhubani.
6. Sri Narayan Yadav Son of Uttim Lal Yadav Resident of Village-Radh-Malmal, P.S.-Kaluahi, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amarendra Narayan, Advocate
For the Respondent/s : Mr. Amit Prakash, GA-13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-06-2024 The present writ petition has been filed seeking the following relief:-

“1.That this petition is being filed for issuance of writ of appropriate nature order or direction quashing notices dated 13.07.2023 issued to the petitioners under section 3 of the Bihar Public Land Encroachment Act, 1956, under the signature of Circle Officer, Kaluahi treating petitioners' land in plot no. 964 in Mauza - Malmal, Thana no. 50, Police Station - Kaluahi District Madhubani as public land without verifying the revenue



records and title holder of the land; and further even after receipt of petitioners' reply along with documentary evidences to support this plot as their exclusive property and without communicating any order therein, issued notice dt. 29.9.23 for removing encroachment and letter no. 1297 dated 02.11.2023 to S.D.O. Sadar Madhubani for arrangement of 25 male police and 10 female police force for evicting petitioners from the Land of Khesra No. 965.

The petitioners also pray for quashing notices dt. 29.9.23 issued to petitioners without taking decision on their written statement reply and communicating any order on it and requisitioning Police for removal of their Shagwan Tree, Plants and Wooden Gumti from the land

The petitioners prays for an order restraining respondents from taking coercive actions against petitioners and their family members in the name of removal of encroachment on 1 decimal land on Khesra No.965 of Mauza Malmal.”

2. At the outset, the learned counsel for the petitioners submits that the petitioners be granted liberty to file their objections before the Circle Officer, Kaluahi, District-Madhubani in connection with Encroachment Case No.06 of 2020-21 and the Circle Officer, Kaluahi be directed to consider the same and pass the final under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 as also during the



interregnum period, some protection be granted.

3. Having regard to the limited prayer made on behalf of the petitioners in the present case, I deem it fit and proper to grant liberty to the petitioners to file their objections to the notice dated 13.07.2023, in connection with Encroachment Case No.6 of 2021, within a period of four weeks from today, before the Circle Officer, Kaluahi, District-Madhubani, who shall then consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in case the same has not yet been passed, within a period of four weeks thereafter and till then status quo, existing as on today, qua the land/house of the petitioner in question shall be maintained.

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

(Mohit Kumar Shah, J)

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