

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1453 of 2024

1. Lalan Yadav Son of Late Bhoj Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
2. Sukhdeo Yadav son of Late Bhoj Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
3. Nawal Yadav son of Late Bhagat Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
4. Sudhar Yadav son of Late Lalji Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
5. Ram Adhar Pal son of Shankar Pal Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
6. Most. Manju Devi wife of Lal Parikhan Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
7. Suraj Yadav son of Bharat Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
8. Amerika Sah son of Late Bipat Sah Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
9. Lalu Mukhia son of Sukhdeo Mukhia Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
10. Dukhi Yadav son of Late Pahwari Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
11. Braj Mohan Sharma son of Late Vishwanath Sharma Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
12. Jagarnath Yadav son of Late Bachai Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
13. Chotelal Yadav son of Late Bhagat Yadav Resident of Village Baswariya Police Station- Chautarwa District- West Champaran
14. Yushuf Ali son of Late Dost Mohammad Ansari Resident of Village Baswariya Police Station- Chautarwa District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate West Champaran at Bettiah.
3. The Sub- Divisional Officer Bagaha, West Champaran.
4. The Circle Officer Bagaha-1, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Chaubey, Adv.
Mr. Arvind Kumar, Adv.



For the State : Smt. Anuradha Singh, SC-21
Mrs. S. Sinha, AC to SC-21

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-08-2024 The present writ petition has been filed seeking the following relief:-

“1. That this is an application for issuance of an appropriate writ, order or direction for quashing the notice dated 1.4.2023, issued by the learned Circle Officer, Bagaha-1 (Respondent No. 4) in Encroachment Case No. 01 of 2019-20 against the petitioners, by which the learned Circle Officer has initiated proceeding under section 6(2) of the Bihar Public Land Encroachment Act, 1956, directing to remove the encroachment made over the Gair Majarua Aam Land of Khata No. 03, plot no. 106, Thana No. 321, mauza Baswaria Anchal, Bagaha- 1, District- West Champaran.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the final orders dated 12.6.2019, passed by the Circle Officer, Bagaha-I, West Champaran, in connection with Encroachment Case No. 1 of 2019-20, by filing appropriate appeal, under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty, so sought, is granted.

3. It is needless to state that in case, appropriate appeals are



filed within a period of four weeks from today, the same shall be heard on merits by the Appellate Authority, without being impeded by the issue of limitation and a reasoned and a speaking order shall be passed thereon, forthwith.

4. In order to enable the petitioners to file appropriate appeals and obtain interim orders, I deem it fit and proper to direct the State 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.

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

(Mohit Kumar Shah, J)

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