

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.254 of 2020

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Ashok Kumar S/o Satyadeo Yadav Resident of Village- Kawahi Sankhe Khas,
P.S. and Block- Uchakagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar at Patna.
2. The Commissioner Saran Division at Chapra, Distt.- Saran at Chapra.
3. The Collector Distt.- Gopalganj.
4. The Sub-Divisional Officer Distt.- Gopalganj.
5. The Circle Officer Anchal- Uchakagaon, Distt.- Gopalganj.
6. The Anchal Amin Anchal- Uchakagaon, Distt.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Adv.
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-11-2024 1. At the outset, the learned counsel for the respondent State seeks to file a counter affidavit, copy whereof has already been filed online. Let the same be kept on record.

2. Though the present writ petition has been filed for quashing the notice dated 15.07.2019, issued by the Circle Officer, Uchakagaon, District-Gopalganj i.e. the respondent no.5, in connection with Encroachment Case No.5 of 2014-15/19-20, however, at the outset, the learned counsel for the respondent State has referred to the order dated 19.10.2019, to submit that the respondent no.5 has already passed the final



order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act, 1956'), hence in case the petitioner is so aggrieved, he may file an appeal under Section 11 of the Act, 1956.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 19.10.2019, by filing appropriate appeal, however, seeks some protection during the interregnum period, as also prays that in case the petitioner succeeds in the appeal to be filed by him, he may be granted liberty to claim damages qua the demolition of the house of the petitioner in question, illegally. Liberty so sought is granted.

4. At this juncture, the learned counsel for the petitioner submits that the petitioner may also be granted liberty to avail such other alternative remedies as are otherwise available under the law, including that of filing a civil suit before the Ld. Civil Court of competent jurisdiction. Liberty so sought is also granted.

5. It is needless to state that for a period of four weeks from today, status quo, existing as on today qua the land/house of the petitioner in question, shall be maintained.



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

(Mohit Kumar Shah, J)

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