

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16718 of 2024

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1. Anirudh Prasad @ Anirudh Prasad Son of Hare Krishna Prasad Resident of Village and P.O.- Sher, P.S.- Sidhwaliya, District- Gopalganj.
 2. Kamlesh Kumar Son of Hare Krishna Prasad Resident of Village and P.O.- Sher, P.S.- Sidhwaliya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Collector-cum-District Magistrate- Gopalganj.
2. The Collector-cum-District Magistrate, Gopalganj.
3. Superintendent of Police (SP), Gopalganj.
4. The Sub Divisional Officer (SDO), Gopalganj.
5. Block Extension Officer (Prakhanda Prasad Padadhikari), Sidhwaliya Block, District- Gopalganj.
6. The Circle Officer, Sidhwaliya Block, District- Gopalganj.
7. The Station House Officer (SHO), Sidhwaliya Police Station, District- Gopalganj.
8. Bihar State Board of Religious Trusts, through its President, 01, Vidyapati Marg, Patna, presently office located near DG Homeguard office- Chhajjubag, Patna-1.
9. The President, Bihar State Board of Religious Trusts, 01, Vidyapati Marg, Patna, presently office located near DG Homeguard office- Chhajjubag, Patna-1.
10. Satyendra Kumar Ray Son of Bhargunath Ray Resident of Village and PO- Sher, P.S.- Sidhwaliya, District- Gopalganj.
11. Shri Bhairabi Singh Son of Late Jeev Bahal Singh and person interested (as defined in Bihar Hindu Religious trusts Act 1950) in Shri Purushottam Nath Das temple situated in village and PO- Sher, P.S.- Sidhwaliya, district- Gopalganj, a registered public trust under Bihar state board of religious trusts, and presently resident of village and P.O. - village and PO- Sher, P.S.- Sidhwaliya, district- Badheji, P.S.- Barauli, district- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dev Kumar Pandey, Adv.
For the Respondent/s	:	Mr.Government Pleader (18)
For the Respondent No. 9	:	Mr. Dewanad Tiwari, Adv.
For the Religious Trust Board	:	Mr. Shekhar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 07-01-2025 Though the present writ petition has been filed for



directing the Respondent-State not to precipitate the proceedings of Encroachment Case No. 2 of 2022-23 and firstly decide the representation of the petitioner dated 27.9.2024, however, the learned counsel for the Respondents-State has referred to the counter affidavit filed in the present case to submit that the Circle Officer, Sidhwaliya Block, District-Gopalganj, i.e. the Respondent No. 6, 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”) on 11.7.2022, hence, in case the petitioners are so aggrieved they may prefer an appeal under Section 11 of the Act, 1956.

2. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the afore-said order dated 11.7.2022, by filing an Appeal under Section 11 of the Act, 1956, by using the photocopy of the said order dated 11.7.2022, as annexed by the Respondents in their counter affidavit, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

3. It is needless to state that for a period of four weeks from today, status quo, existing as on today qua the land/houses of the petitioners in question, shall be maintained, in order to enable



them to file appropriate appeal and seek interim relief.

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

(Mohit Kumar Shah, J)

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