

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14436 of 2022

1. Dinesh Paswan son of Janardan Paswan @ Prasadi Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
2. Umesh Paswan son of Janardan Paswan @ Prasadi Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
3. Yogesh Paswan son of Janardan Paswan @ Prasadi Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
4. Murari Paswan S/o Ramashray Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
5. Rambilash Paswan S/o Narayan Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
6. Sakendra Paswan @ Ramesh Paswan S/o Krishna Sharma @ Krishna Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
7. Mangal Paswan S/o Jagdish Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
8. Pradeep Paswan S/o Naresh Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
9. Shivnandan Paswan S/o Late Haro Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
10. Ranjanam Paswan S/o Late Ramnandan Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
11. Sidheshwar Paswan S/o Baburam Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
12. Ramwati Devi D/o Late Bindeshwar Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
13. Ramswarath Paswan S/o Jadu Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
14. Ramotar Paswan S/o Kishun Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
15. Ramnagina Paswan @ Nagina Paswan, S/o Kishun Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
16. Girani Paswan S/o Kishun Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
17. Gorelal Paswan S/o Harinandan Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
18. Kaushlendra Paswan S/o Late Kailash Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.
19. Upendra Paswan S/o Sukhdeo Paswan, Resident of Village - Rajaura, P.S- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus



1. The State of Bihar through the Principal Secretary, Land Reform Department, Govt. of Bihar, Patna.
2. The District Magistrate, Sheikhpura.
3. The Sub-Divisional Officer, Sheikhpura.
4. The Circle Officer, Barbigha, District- Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Irshad, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG 12)

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT**

Date : 04-07-2023

1. The present petition has been filed seeking the following relief :-

“(i) For issuance of a writ in the nature of certiorari to set aside the notice dated 06.08.2022, issued by the Circle Officer, Barbigha by which the petitioners have been directed to remove the hut/ house from Khata no. 160, Khesra no. 160, Khesra no. 558, situated at village-Rajaura, PS-Barbigha, District-Sheikhpura within a period of 15 days, failing which, the hut/ house shall be removed and expenses of the same would be realized from the petitioner.”

2. The learned counsel for the respondent- State has referred to the counter affidavit filed in the present case on behalf of respondents no. 2 to 4, wherein it has been stated that the Circle Officer, Barbigha, District, Sheikhpura has passed the



final order dated 05.08.2022 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act 1956”), hence, if so advised, the petitioners may challenge the same by filing appropriate appeal under Section 11 of the Act, 1956.

3. The learned counsel for the petitioners submits that the petitioners be granted liberty to challenge the aforesaid order dated 05.08.2022 by filing appropriate appeal, however, they be granted some protection during the interregnum period.

4. Having regard to the facts and circumstances of the case, I deem it fit and appropriate to grant liberty to the petitioners to file appropriate appeal under Section 11 of the Act, 1956, challenging the aforesaid order dated 05.08.2022, however, in order to enable the petitioners to file appropriate appeal and seek interim orders, it is directed that *status quo* existing as on today *qua* the land/ house of the petitioners in question shall be maintained for a period of four weeks from today.

5. It is needless to state that in case, appropriate appeal 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, in accordance with law, without



being impeded by the issue of limitation.

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

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.07.2023
Transmission Date	NA

