

(2023) 05 PAT CK 0054

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 1426 Of 2023

Digvijay Narayan Singh

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: May 18, 2023

Acts Referred:

- Bihar Public Land Encroachment Act, 1956 - Section 6(1)

Hon'ble Judges: Harish Kumar, J

Bench: Single Bench

Advocate: Ajay Kumar, Raj Kishore Roy

Final Decision: Disposed Of

Judgement

Heard Mr. Ajay Kumar, learned counsel for the petitioner and Mr. Raj Kishore Roy, GP-18 for the State.

The petitioners have approached before this court seeking quashing of the notice dated 04.01.2020, whereby the Circle Officer, Morwa, Samstipur,

has directed the petitioners to ensure the removal of possession over the land pertaining to Khata No. 415 (old), Khesara/Plot No.-1108 & 1103, Area

35.5 decimals, situated at Mauza- Banvira, Thana No.342.

In compliance to the order of this Court dated 19.04.2023, a counter affidavit has been filed on behalf of the Respondent No.2 the District Magistrate,

Samastipur and categorical assertion has been made that final order under Section 6 (1) of the Bihar Public Land Encroachment Act, has already

been passed by the Circle Officer, Morwa, district Samstipur in connection with the Encroachment Case No. 22 of 2019-20.

It is submitted on behalf of the petitioner that earlier status quo was granted by this Court vide order dated 19.04.2023, and he undertakes that he

would be filing appeal within a period of four weeks and till that time the status quo, existing as on date quo the land/house of the petitioner in question

be maintained.

In view thereof, the present writ application stands disposed of with a liberty to the petitioners to assail the order of the Circle Officer, Morwa,

Samstipur, if found aggrieved, before the appropriate authority.

The status quo existing as on date shall be maintained by the respondent authority till the filing of the appeal.

Accordingly, the writ application stands disposed of with the aforesaid observation and liberty.