

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10213 of 2023**

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Rajeev Kumar @ Gappu Singh Son of Late Gopal Jee Prasad Singh, Resident  
of Village-Banjari, P.S. Nagar Town Thana, Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Sub Divisional Officer, Gopalganj.
5. The Circle Officer, Gopalganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Satyam Shivam Sundaram, Advocate  
For the Respondent/s : Mr.Raj Kishore Roy ( GP 18 )

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

**ORAL JUDGMENT**

**Date : 08-09-2023**

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

*“(i) For issuance of an appropriate writ/ writs, order/ order, direction/ directions for commanding the respondent authority for setting aside the entire process of Encroachment case No.13/2022-23 and 13A/2022-23, initiated against the petitioner for removal of the alleged encroachment of*



*his Hotel, Rajeev Regency (a Commercial Premises) situated in Khata No.119, Khesra No. 1046 and Khata No.121, Khesra No. 1045, measuring a total area of 4 Katha 12 dhur as well as on his dwelling house situated in Khata No.37. Khesra No.547 measuring 11.36 decimal respectively.*

*(ii) For issuance of an appropriate writ/ writs, order/ order, direction/ directions for setting aside a notice contained in Memo No.1039 dated 16.03.2023 and notice dated 13.05.2023 issued in pursuance of encroachment Case No.13/2022-23, and encroachment case No.13A/2022-23, which was registered against the petitioner for removal of encroachment, alleged to have been made by the petitioner over the Public Land NH-27.*

*(iii) For issuance of an appropriate writ/ writs, order/ order, direction/ directions for holding that the purported exercise of the concerned respondent authorities under the Garb of the encroachment case No.13 and 13A/2022-23 is illegal, arbitrary and in violation of Principle of Natural Justice.*

*(iv) For issuance of an appropriate writ/ writs, order/ order, direction/ directions for an appropriate action against the erring respondent authorities, who have proceeded with the matter in illegal and arbitrary*



*manner and demolished the part of the structure of the house of the petitioner.*

*(v) For issuance of an appropriate writ/ writs, order/ order, direction/ directions for restraining the respondent authorities from taking any coercive action against the petitioner under the Garv of the aforesaid encroachment case. “*

2. At the outset, the learned counsel for the respondent State has submitted that the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) has been passed by the Circle Officer, Gopalganj on 15.11.2022, in connection with Encroachment case no. 13A of 2022-23 and only thereafter, the requisite action has been taken for removal of the encroachment made by the encroachers including the petitioner herein over the public land in question.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 15.11.2022, passed by the Circle Officer, Gopalganj, in connection with Encroachment case no. 13A of 2022-23, by filing an Appeal under Section 11 of the Act, 1956. Liberty so sought, is granted.



4. 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, without being impeded by the issue of limitation and pass a reasoned and a speaking order, in accordance with law, forthwith.
5. After the order has been dictated, the learned counsel for the petitioner also seeks a direction upon the Appellate Authority to examine the issue of illegal demolition of the house of the petitioner. It is directed accordingly.
6. The writ petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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| AFR/NAFR          | NAFR       |
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