

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16874 of 2022

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Ganesh Chaudhary son of Vishwanath Chaudhary, resident of Village-
Bharwara, Police Station-Singhwara, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms,
Patna, Bihar.
2. The District Magistrate, Darbhanga.
3. The District Land Acquisition Officer, Darbhanga.
4. The Circle Officer, Singhwara Anchal, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mazharul Hassan, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha (SC-19)
		Mr. Atul Shankar, (AC to SC-19)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-01-2023 Heard Mr. Mazharul Hassan, learned counsel

appearing on behalf of the petitioner and Mr. Rishi Raj

Sinha, learned (SC-19) along with Mr. Atul Shankar learned

(AC to SC-19) appearing on behalf of the State.

2. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is aggrieved by order
dated 08.10.2022 passed by the Circle Officer, Singhwara,
District- Darbhanga, in Land Encroachment Case No. 05 of
2022/23. He further submitted that the order dated
08.10.2022 is without jurisdiction and is in breach of the
statutory provision contained in Section 6 of Bihar Public



Land Encroachment Act, 1956 (hereinafter referred to as “the Act”). The dispute relates to 2 decimal of land relating to Revisional Survey Khata No. 231 which has been carved out of Cadestral Survey Khesra No. 1010. Petitioner has claimed over the said plot that his father had purchased the said land in the year 1957 and after construction of shop and residence they are in peaceful possession of the said land. Learned counsel further submitted that due to wrong entry in the Survey record of year 1972 it has been recorded as “Bihar Sarkar”.

3. Learned counsel appearing on behalf of the State submitted that the Circle Officer, Singhwara, District-Darbhangha has already passed a final order under sub-Section 1 of Section 6 of the Act on 08.10.2022 and as such the present writ petition is not maintainable. The petitioner has an alternative remedy of appeal before the Collector, Darbhanga against the order dated 08.10.2022.

4. Having heard the rival submission of the parties and perusal of the materials on record, it appears that the notice issued under sub-Section 2 of Section 6 of the Act is vague however, pleading made by the petitioner with



respect to the total area of the land and in absence of any material on record to show that the ex-landlord had settled the said land before the vesting of the Jamindari in favour of ancestor of the petitioner. As on date final order under-Section 6(1) has already been passed by the Circle Officer, Singhwar, District- Darbhanga.

5. The petitioner has an alternative remedy of appeal under Section 11 of the Act, so petitioner, if so advised may prefer an appeal before the Collector, Darbhanga.

6. The Collector is expected to pass a reasoned order after giving appropriate opportunity of hearing to the petitioner in accordance with law. In case the petitioner is advice to file an application under Section 14 of Act. The Collector, Darbhanga may restrain the Circle Officer, Singhwara Anchal, Darbhanga not to proceed with the demolition of the house and shop of the petitioner.

7. Till the disposal of the application under Section 14 of the Act, the status quo as on date shall be maintained.

8. Accordingly, the present writ petition is



disposed of.

(Purnendu Singh, J)

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