

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17812 of 2023

Jagdish Mandal Son of Puran Mandal Resident of Village-Kataiya, Mahe,
P.S.-Pipra, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Dept. Govt. of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The Add. Collector, Supaul, District-Supaul.
5. The Sub Divisional Magistrate, Pipra, District-Supaul.
6. The Circle Officer, Pipra, District-Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Madhav Jha, Advocate
For the Respondent/s	:	Mr.Anirban Kundu (SC-24)
		Mr. Sudhanshu Shekhar, AC to SC-24

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-08-2024 The present writ petition has been filed
seeking the following reliefs:-

“1. i) For issuance of writ in the nature of Mandamus for directing the respondents to grant compensation to the petitioner for illegally demolishing the residential house of the petitioner which is situated at Mouza-Kataiya Mahe, Anchal-Pipra, Thana No.228, Khata No.277, Khesra No.2537, Area-13 decimal.

(ii) For taking action against the respondent authority/C.O., who without considering reply to show cause of the petitioner and without passing an order under section 6(i) of



the Bihar Public Land Encroachment Act, has demolished the residential house of the petitioner, which was situated over the khatiani land and not over Gairmajarua land and moreover, Jamabandi No. 639 is running in the name of the petitioner.
iii) Further issue direction to the respondents to compensate the petitioner as loss has been caused due to illegal demolition by the respondents."

2. At the outset, it is pointed out by the learned counsel for the respondents, by referring to the counter affidavit filed in the present case, that an encroachment case bearing Encroachment Case No. 16 of 2021-22 was initiated by the Circle Officer, Pipra, District-Supaul, whereafter notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), was issued to the petitioner on 25.04.2022, which was also served upon the petitioner, however, he did not appear before the Circle Officer, Pipra leading to issuance of fresh notice dated 28.09.2022 to the petitioner, however, again he failed to appear and only then the Circle



Officer, Pipra has passed the final order dated 26.06.2023 under Section 6(1) of the Act, 1956, holding that the land appertaining to Mauza-Kataiya Mahe, Khata No. 277, Khesra No. 2537 is a public land (road), which has been encroached by the encroachers, hence the encroachment is required to be cleared. Thus, it is submitted that in case the petitioner is aggrieved by the aforesaid order dated 26.06.2023, he can file an appeal under Section 11 of the Act, 1956.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to file appropriate appeal under Section 11 of the Act, 1956, if so advised, within a period of four weeks from today.

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

(Mohit Kumar Shah, J)

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