

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1796 of 2020

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Baijnath Chaudhary @ Baijnath Kumar Son of Bhola Chaudhary Resident of
Village- Teusa, Police Station- Atri, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Commissioner Magadh Division, Gaya.
3. The District Magistrate Gaya.
4. The Sub Divisional Magistrate Nimchak Bathni, District- Gaya.
5. The Circle Officer Atri, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh, Adv
For the Respondent/s : Mr. Subash Chandra Yadav (GP15)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

8 04-07-2025 Heard the parties.

2. With the consent of both the parties, the present writ application is being disposed of at this stage itself.

3. By way of Annexure-P/11 to the Interlocutory Application No. 03 of 2025 filed by the petitioner as well as by way of Annexure-E to the supplementary counter affidavit filed by respondent-State, order dated 06.03.2020 passed by the Circle Officer, Atri, Gaya (respondent no. 5) in Land Encroachment Case No. 25/19-20, in purported exercise of power under Section 6(1) of the Bihar Public Land Encroachment Act has been brought on record. This order passed under Section 6(1) of the said Act is appealable before the District Magistrate-cum-Collector, Gaya under Section 11 of



the said Act.

4. Learned counsel appearing for the respondent-State, therefore, submits that in view of the fact that there is a remedy of appeal available to the petitioner, the present writ application be not entertained and the petitioner be relegated to the Appellate Authority for challenging the order dated 06.03.2020 passed in Land Encroachment Case No. 25/19-20.

5. Learned counsel for the petitioner submits that he would be satisfied if the present writ application is disposed of granting liberty to the petitioner to approach the District Magistrate-cum-Collector, Gaya (Appellate Authority) under Section 11 of the Bihar Public Land Encroachment Act for challenging the order dated 06.03.2020 passed by respondent no. 5, the Circle Officer, Atri, Gaya and he further prays that if such an appeal is filed by the petitioner then the Appellate Authority may be directed to consider the same on merit and dispose of the appeal within a fixed time frame after giving an opportunity of hearing to the petitioner.

6. To the aforesaid prayer being made by the learned counsel for the petitioner, the respondents-State have not any objection.

7. Considering the limited nature of prayer being



made by learned counsel for the petitioner, the present writ application is disposed of granting limited liberty to the petitioner to challenge the order dated 06.03.2020 passed in Land Encroachment Case No. 25/19-20 by the Circle Officer, Atri, Gaya (respondent no. 5) by filing an appropriate appeal under Section 11 of the said Act before the District Magistrate-cum-Collector, Gaya. This appeal must be filed within thirty days from the date of passing of this order and if such an appeal is filed within the stipulated period, the District Magistrate-cum-Collector, Gaya is directed to dispose of the same on merit, after giving an opportunity of hearing to the petitioner. The appeal must be decided within a period of four months from the date of its filing. Needless to emphasize that the final order which will be passed by the District Magistrate-cum-Collector, Gaya shall be a reasoned and speaking order.

8. The Circle Officer, Atri, Gaya (respondent no. 5) is directed to immediately provide a certified copy of the order dated 06.03.2020 passed in Land Encroachment Case No. 25/19-20 to the petitioner so that he can challenge the same within thirty days before the Appellate Authority.

(Alok Kumar Sinha, J)

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