

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1393 of 2025

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Vishhwanath Sah son of Shivalak Sah, resident of Mohalla-Bihwarpur,
resided of Village-Mathurapur, P.S.-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Land and Revenue Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali.
4. The Circle Officer, Block-Bidupur, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar Singh, Adv. Ms. Rubi Kumari, Adv.
For the Respondent/s	:	Mr. Addl. Advocate General (7)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-01-2025 1. Heard learned counsel for the petitioner and learned
AAG-7.

2. The learned counsel for the State submits that the instant writ application has been filed for quashing of the order dated 11.12.2024 and 13.01.2025 (Annexure-3 series) passed in Encroachment Case No.04/2022-23 by the Circle Officer, Bidupur, under Section 6(2) of the Bihar Land Encroachment Act, 1956 by which, it has been ordered for demolishing the building of the petitioner, which is situated on the land in dispute pertaining to Khata No.157, Plot no. 241, Thana No. 372 Area 5 decimal at Mauza-Bihvarpur, District-Vaishali as the same has been issued by the C.O. without passing the final



order in the Encroachment Case No. 4/2022-23 under Section 6(2) of the Bihar Land Encroachment Act, 1956 and without hearing the petitioner.

3. The learned State counsel next submits that the petitioner rushed to this Court against the impugned notices when petitioner has remedy of appeal before the Collector of the district, as such, it is submitted that the petitioner without availing his alternative remedy has approached this Court directly, on which, the learned counsel appearing on behalf of the petitioner submits that the petitioner had to rush to this Court for the reason that the impugned notices have been issued in complete breach of Section 6(1) of the Bihar Land Encroachment Act, 1956 and the notices were also issued without hearing the petitioner in the encroachment case, on which, the learned counsel appearing on behalf of the State submits that whether the petitioner was heard or not heard could have been raised before the concerned District Magistrate. The learned counsel for the petitioner at this stage submits that since the demolition notice was also issued hence petitioner rushed to this Court, as the petitioner apprehended that by the time the petitioner would file appeal the C.O. may demolish the existing building on the land in dispute. It is also submitted that



petitioner will move before the Collector by filing an appeal but then status quo as existing as of date be maintained.

4. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the petitioner to file an appeal before the Collector, Vaishali against the impugned order dated 11.12.2024 and 13.01.2025 on the ground raised in the instant writ application on or before 10.02.2025. If any appeal is filed by the petitioner on or before 10.02.2025, the Collector, Vaishali is directed to dispose of the same in accordance with law within a period of two months thereafter.

5. It is made clear that if issue of limitation arises, the authorities competent shall keep in mind that petitioner was pursuing his remedy before this Court.

6. It is further made clear that status quo as of date existing shall be maintained till the appeal is not taken up by the Collector for hearing on the first date, thereafter it will be open for the Collector to maintain or not to maintain the status quo.

(Satyavrat Verma, J)

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