

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4845 of 2025

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1. Md Altaf Hussain Son of Late Gayas Uddin Resident of Mahua Punarwas, Ward no.-13, P.O. and P.S. and District-Supaul, Bihar- 852131.
 2. Md. Irfan Son of Late Md. Moinudin Resident of Mahua Punarwas, Ward no.-13, P.O. and P.S. and District-Supaul, Bihar- 852131.
 3. MD. Nooralam Son of Late Md. Moinudin Resident of Mahua Punarwas, Ward no.-13, P.O. and P.S. and District-Supaul, Bihar- 852131.
 4. Md. Saddam Hussain Son of Late Gayas Uddin Resident of Mahua Punarwas, Ward no.-13, P.O. and P.S. and District-Supaul, Bihar- 852131.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar through the Secretary, Government of Bihar, Patna.
2. The Add. Chief Secretary, Department of Water Resources, Government of Bihar, Patna.
3. The Director, Land Acquisition and Rehabilitation, Department of Water Resources, Government of Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Officer-Cum-Collector, Supaul.
6. The Rehabilitation Department, Koshi Project, Supaul.
7. The Additional Collector (Revenue), Supaul.
8. The Circle Officer, Supaul.
9. Md. Shabir Ahmad Son of Late Abdul Hamid Permanent Resident of Hajitola, Ward No.-2, Dharhara, Supaul, Bihar. 852109, at Present Residing at Mahua Punarwas, Ward No.-13, P.O. and P.S. and District-Supaul, Bihar- 852131

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Respondent/s : Mr. Standing Counsel 25

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2025 Heard learned counsel for the parties concerned.

2. Learned counsel for the petitioners submits that by
the impugned notice dated 03.10.2025 having Memo No. 6479



Circle Officer, Supaul has directed the petitioners to remove encroachment from lay out no. 29 having an area of 12 decimal Mahua Punrawas, Ward No. 13, District Supaul by 14.10.2025 failing which constructed house upon the said land of the petitioners shall be demolished.

3. Learned counsel for the petitioners submits that the ancestors of the petitioners were allotted 32 decimal of land in layout no. 333, Rehabilitation Colony, Kharel Malhad earlier on the ground that the petitioner's family were the Kosi river displaced persons. The Kosi Embankment was constructed around 1960 and the village of the petitioners Koknaha, District Supaul came between the two embankments of Kosi river. Subsequently, thereafter, the allotment of the settlement of the petitioners have been shifted to Mahua Punrawas Colony to the extent of 32 decimal where the petitioner's ancestors had constructed a residential house and they have been residing in the house since 1970. The proceeding under Bihar Public Land Encroachment was initiated against the petitioners in which petitioners submitted their objection and without considering the objection in proper perspective, the petitioners have been declared encroachers and the C.O. has directed for removal of encroachment after demolishing the residential house of the



petitioners from the land in question.

4. On the other hand, learned counsel for the State and the private Res. No. 9 jointly submits that the petitioner's ancestor were not allotted the land in Mahua Punrawas Colony by virtue of valid settlement and they have encroached upon the Government land without any valid document. The order passed by the Circle Officer is appealable before District Collector under Section 11 of the Bihar Public Land Encroachment Act.

5. Considering the nature of dispute and the fact that the impugned order dated 08.01.2025 and the notice of removal of encroachment dated 03.10.2025 is appealable before the Collector, accordingly, the present writ application is disposed with the direction to the petitioners to file an appeal before the learned Collector within a period of thirty days from today.

6. If such an appeal is filed by the petitioners, the learned Collector shall dispose the same in accordance with law after giving opportunity of hearing to the petitioners, private respondents and all concerned within a further period of five months from the date of filing of appeal.

7. Till the disposal of the appeal, there shall be no demolition of the petitioner's house situated on the land in question and no steps for removal of encroachment shall take



place.

8. The present application shall stand disposed of.

(Anil Kumar Sinha, J)

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