

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2491 of 2025

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Ranvijay Singh Son of Late Ganga Dayal Singh Resident of Village and P.O.-
Khabhaini, P.S.- Rampur Chauram, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Arwal.
4. The Deputy Collector Land Reform, Arwal
5. The Circle Officer, Arwal.
6. The Anchal Amin, Arwal
7. Ajay Kumar Sinha S/o Late Deo Narayan Singh Resident of Village and P.O.-Khabhaini, P.S.-Rampur Chauram, District-Arwal

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar, Advocate
For the Respondent/s : Mr. AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioner and learned
AC to AAG-3 for the State.

2. Learned counsel for the petitioner submits that the instant writ application has been filed for quashing the notice dated 18.01.2025 issued by the Circle Officer, Arwal whereby the petitioner was directed to remove encroachment on part of plot no-1492, area- 0.525 decimal, thana no. 99, khata no.200 mauja- khaimi, district- Arwal on the ground that an order under section 5(1) of the Bihar Land Encroachment Act, 1956 (hereinafter referred to as 'the 1956 act') has been passed in



Encroachment Case No. 01 of 2022–23.

3. Learned counsel for the petitioner submits that the the instant writ application has been filed challenging the notice dated 18.01.2025 on the ground that no order under Section 6(1) of the 1956 Act was passed but still the notice dated 18.01.2025 was issued under Section 6(2) of the 1956 Act. It is next submitted that during pendency of the writ application, IA No. 01/2025 has been filed for quashing the notice dated 06.05.2025 issued by the Circle Officer, Arwal recording therein that in the Encroachment Case no. 01 of 2022-23 an order under Section 6(1) of the 1956 Act has been passed and notice under Section 6(2) of the 1956 Act has already been served but still the encroachment has not been removed.

4. In view of the submission made by the learned counsel for the petitioner, IA No. 01/2025 is allowed.

5. Learned counsel for the petitioner submits that from perusal of the notice dated 06.05.2025, it would manifest that the same records that an order under Section 6(1) of the 1956 Act has been passed but the copy of the order under Section 6(1) of the 1956 Act has not been served on the petitioner nor the date of the order is recorded in the notice dated 06.05.2025. It is further submitted that the order passed



under Section 6(1) of the 1956 Act is appealable and the appeal lie before the Collector but then the petitioner could not file his appeal as the order passed under Section 6(1) of the 1956 Act has not been served on him.

6. Learned AC to AAG-13 submits that in the event, if the petitioner applies for a copy of the order passed under Section 6(1) of the 1956 Act in that event the same shall be provided to the petitioner within a week from the date on which the requisition is filed.

7. Learned counsel for the petitioner submits that petitioner will file a requisition seeking certified copy of the order under Section 6(1) of the 1956 Act on or before 20.05.2025. It is next submitted that the moment the petitioner will get the copy of the order under Section 6(1) of the 1956 Act, thereafter the petitioner shall file his appeal before the Collector, Arwal assailing the order passed by the Circle Officer under Section 6(1) of the 1956 Act.

8. After hearing the learned counsel for the parties, the writ petition is disposed of with the liberty to the petitioner to file a requisition for seeking certified copy of the order passed by the Circle Officer under Section 6(1) of the 1956 Act on or before 20.05.2025, in the event if any requisition is filed by the



petitioner on or before 20.05.2025 for obtaining the certified copy of the order passed under Section 6(1) of the 1956 Act in Encroachment Case No. 01 of 2022-23, the same shall be supplied to the petitioner within a week i.e. on or before 27.05.2025 so that petitioner can file his appeal before the Collector on or before 10.06.2025.

9. It is made clear that if any appeal is filed by the petitioner before the Collector on or before 10.06.2025 in that event the Collector, after giving an opportunity of hearing to the petitioner and all concerned shall decide the issue in accordance with law within a period of two months thereafter. It is further made clear that till the appeal of the petitioner is not decided by the Collector, status quo as existing as of date shall be maintained. It is also made clear that if no appeal is filed on or before 10.06.2025 in that event the order of the status quo shall automatically stand vacated.

(Satyavrat Verma, J)

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