

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2687 of 2025

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1. Akhilesh Singh @ Ashilesh Singh @ Aatilesh Singh Son of Late Budhan Singh Resident of Village- Pyarechak, P.S.- Arwal, District-Arwal, A/p- F/36, P.C. Colony, Kankarbagh, Patna- 800020.
 2. Naresh Singh, Son of Late Sudhan Singh @ Sudhan Mahto Resident of Village- Pyarechak, P.S.- Arwal, District-Arwal, A/p- F/36, P.C. Colony, Kankarbagh, Patna- 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, District- Arwal.
3. The Circle Officer, Block- Arwal, District- Arwal.
4. The Station House Officer, P.S.- Arwal, District- Arwal.
5. Harihar Singh, Son of Late Ramdhany Singh Resident of Village- Pyarechak, P.S.- Arwal, District- Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J. S. Arora, Sr. Advocate
	:	Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mr. AC to SC-11

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2025 Heard learned senior counsel for the petitioners and learned AC to SC-11 for the State.

2. Learned senior counsel for the petitioners submits that IA No. 01 of 2025 has been filed challenging the notice contained in Letter No.618 dated 06.05.2025 issued by the Circle Officer, Arwal whereby petitioners have been directed to remove the encroachment from the land pertaining to Thana No. 76, Khata No. 54, Khesra No. 210, Area 18 decimals at Mauja Pyarechak, District- Arwal on the ground that an order under



Section 6(1) of the Bihar Land Encroachment Act, 1956 (hereinafter referred as the '1956 Act') has been issued holding that the petitioners are encroachers over the land in dispute.

3. In view of the submissions made by the learned senior counsel for the petitioners, the I.A. No. 01 of 2025 is allowed.

4. Learned senior counsel appearing on behalf of the petitioners submits that no doubt the notice dated 06.05.2025 (Annexure-P/13 to IA No. 01 of 2025) records that an order under Section 6(1) of the 1956 Act has been passed but then the order has not been served on the petitioner. It is further submitted that order passed by the Circle Officer under Section 6(1) of the 1956 Act is appealable before the Collector but then in absence of the order passed by the Circle Officer under Section 6(1) of the 1956 Act the petitioner is not in a position to challenge the order in appeal before the Collector.

5. Learned counsel for the State submits that the writ petition can be disposed of with a liberty to the petitioners to file a requisition seeking certified copy of the order passed by the Circle Officer in Encroachment Case no. 02 of 2023-24 so that the order is made available to the petitioners on which the learned senior counsel for the petitioners submits that petitioners



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 petitioners will get the copy of the order under Section 6(1) of the 1956 Act, thereafter the petitioners shall file their appeal before the Collector, Arwal assailing the order passed by the Circle Officer under Section 6(1) of the 1956 Act.

6. After hearing the learned counsel for the parties, the writ petition is disposed of with the liberty to the petitioners to file 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 petitioners 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. 02 of 2023-24, the same shall be supplied to the petitioners within a week i.e. on or before 27.05.2025 so that petitioners can file their appeal before the Collector on or before 10.06.2025.

9. It is made clear that if any appeal is filed by the petitioners before the Collector on or before 10.06.2025 in that event the Collector, after giving an opportunity of hearing to the petitioners 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 petitioners 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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