

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5007 of 2025

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1. Md Israil Son of Late Hamid Resident of Baruraj, Police Station - Baruraj District-Muzaffarpur.
 2. Md. Mumtaz, Son of Sk. Hamid, Resident of Baruraj Police Station - Baruraj District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Circle Officer, Motipur.
4. The Executive Engineer, Road Division No.1, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surajnarayan Yadav, Advocate Mr. Ranjit Kumar Yadav, Advocate Mr. Ugresh Kumar, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11 Mr. Rajnish Shandilya, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-04-2025 1. Heard learned counsel for the petitioners and

learned AC to GA-11 for the State.

2. Learned counsel appearing on behalf of the State submits that petitioners have rushed to this Court without availing their alternative remedy against the notice dated 06.03.2025 issued by the respondent no. 3 under Section 6(2) of the Bihar Land Encroachment Act, 1956 in Encroachment Case No. 02/2023-2024.

3. Learned counsel appearing on behalf of the petitioners submits that no doubt, petitioners have an alternative



remedy of moving in appeal before the Collector, Muzaffarpur but since the Circle Officer, Motipur was adamant in removing the encroachment, as such, the petitioners had to move before this Court as the final order under Section 6(1) of the Bihar Land Encroachment Act, 1956 was not given to the petitioners on which learned State Counsel submits that the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 has been brought on record by way of counter affidavit.

4. Learned counsel for the petitioner, at this stage, submits that since the order under Section 6(1) of the Bihar Land Encroachment Act, 1956 has been brought on record, as such, the petitioners will move in appeal before the Collector, Muzaffarpur by filing an appeal on or before 12.05.2025.

5. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to avail their alternative remedy before the Collector, Muzaffarpur by filing an appeal against the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 on or before 12.05.2025, if any appeal is filed by the petitioners before the Collector, Muzaffarpur in that event the Collector, Muzaffarpur shall consider and dispose of the appeal within a period of three months thereafter after giving proper opportunity



of hearing to all concerned.

6. It is made clear that no coercive action shall be taken against the petitioners till 13.05.2025.

(Satyavrat Verma, J)

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