

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7157 of 2025

1. Binay Kumar Singh Son of Late Surendra Prasad Singh Resident of Village- Saidpur, P.O.- Karauta, P.S.- Salimpur, District- Patna.
2. Dineshwar Singh, Son of Late Surendra Prasad Singh Resident of Village- Saidpur, P.O.- Karauta, P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, District- Patna.
3. The Sub-Divisional Officer, Barh, District- Patna.
4. The District Education Officer, Patna.
5. The Deputy Collector, Land Reforms, Barh, District- Patna.
6. The Circle Officer, Anchal- Bakhtiyarpur, District- Patna.
7. The Officer Incharge, P.S.- Salimpur, District- Patna.
8. Anand Prasad Singh, Son of Late Ram Swarath Singh Resident of Village- Saidpur, P.O.- Karauta, P.S.- Salimpur, District- Patna.
9. Arun Singh, Son of Late Pradip Singh Resident of Village- Saidpur, P.O.- Karauta, P.S.- Salimpur, District- Patna.
10. Anil Singh, Son of Late Pradip Singh Resident of Village- Saidpur, P.O.- Karauta, P.S.- Salimpur, District- Patna.
11. Sunil Singh, Son of Late Pradip Singh Resident of Village- Saidpur, P.O.- Karauta, P.S.- Salimpur, District- Patna.
12. Ashok Singh, Son of Late Binda Singh Resident of Village- Saidpur, P.O.- Karauta, P.S.- Salimpur, District- Patna.
13. Sanjit Singh, Son of Late Binda Singh Resident of Village- Saidpur, P.O.- Karauta, P.S.- Salimpur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Advocate
	:	Ms. Seema Kumari, Advocate
	:	Mr. Dhananjay Kumar, Advocate
For the Respondent/s	:	Mr. Government Advocate (3)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioners and

learned GA-13 for the State.



2. Learned counsel for the petitioners submits that during the pendency of the instant writ application the petitioners have been issued a notice dated 24.04.2025 issued by the Circle Officer, Bakhtiyarpur in Encroachment Case no. 04 of 2024-25 for which IA No. 01 of 2025 has been filed.

3. In view of the submission made by the learned counsel for the petitioners, IA No. 01 of 2025 is allowed.

4. Learned counsel for the petitioners submits that Encroachment Case No. 04 of 2024-25 was initiated against the petitioners in which the petitioners appeared and submitted their reply but then an order under Section 6(1)(c) of the Bihar Land Encroachment Act, 1956 (hereinafter referred to as the '1956 Act') came to be issued by the Circle Officer, Bakhtiyarpur holding the petitioners to be encroacher and accordingly notice dated 24.04.2025 in Encroachment Case No. 04 of 2024-25 was issued by the Circle Officer, Bakhtiyarpur directing the petitioners to remove the encroachment from the land pertaining to Thana No. 170, Khata No. 99 and 113, Khesra No. 359, 362 and 366, Area 1511 square feet i.e. 3.4685 decimal, Mauza-Saidpur, District- Patna.

5. Learned counsel for the petitioners submits that the order passed by the Circle Officer, Bakhtiyarpur under Section



6(1)(c) of the 1956 Act is appealable but then the petitioners have not been provided the order passed by the Circle Officer, Bakhtiyarpur under Section 6(1) (c) of the 1956 Act nor the notice dated 24.04.2025 even remotely suggest the date on which the order under Section 6(1)(c) of the 1956 Act was passed. It is submitted that one hand the petitioners are not being served with the order passed under Section 6(1)(c) of the 1956 Act while on the other the petitioners are being directed to remove encroachment over the land in dispute. It is thus submitted that when the petitioners have remedy of appeal the petitioners will avail the same but for the reason that order has not been supplied to the petitioners as such petitioners could not file their appeal before the Collector, Patna.

6. Learned GA-03 for the State submits that the case can be disposed of with the liberty to the petitioners to file requisition for seeking the certified copy of the order passed by the Circle Officer, Bakhtiyarpur under Section 6(1)(c) of the 1956 Act so that the same is supplied to the petitioners within a time frame on which the learned counsel for the petitioners submits that the petitioners will file requisition for obtaining the certified copy of the order passed under Section 6(1) (c) of the 1956 Act by the Circle Officer, Bakhtiyarpur in Encroachment



case No. 04 of 2024-25 on or before 20.05.2025 on which the learned counsel for the State submits that in the event if any requisition is filed by the petitioner for seeking a certified copy on or before 20.05.2025 in that event the same shall be supplied to the petitioners on or before 27.05.2025 so that the petitioners can avail their remedy of appeal.

7. After hearing learned counsel for the parties, the writ application is disposed of with the liberty to the petitioners to file requisition for obtaining the certified copy of the order passed by the Circle Officer, Bakhtiyarpur under Section 6(1)(c) of the 1956 Act on or before 20.05.2025. In the event if any requisition is filed by the petitioners for obtaining the certified copy on or before 20.05.2025, the Circle Officer, Bakhtiyarpur shall supply the same on or before 27.05.2025 so that the petitioners can file their appeal against the order passed by the Circle Officer, Bakhtiyarpur under Section 6(1)(c) of the 1956 Act in Encroachment Case No. 04 of 2024-25 before the Collector, Patna on or before 10.06.2025.

8. It is made clear that if any appeal is filed by the petitioners before the Collector, Patna on or before 10.06.2025 in that even the Collector, Patna shall consider and dispose of the appeal within a period of 2 months thereafter after giving an



opportunity of hearing to the petitioners in accordance with law.

It is further made clear that till appeal is not decided by the Collector, Patna till then status quo existing as of date shall be maintained. It is further made clear that if no appeal is filed by the petitioners on or before 10.06.2025 before the Collector, Patna against the order passed by the Circle Officer, Bakhtiyarpur under Section 6(1)(c) of the 1956 Act in that event the status quo shall automatically stand vacated.

(Satyavrat Verma, J)

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