

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6397 of 2025

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Mahendra Saw Son of Kesho Saw, Resident of Ward no. 12, Badi Sangat Pul,
P.S - Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Sheikhpura.
2. The Additional Collector, Sheikhpura.
3. The Sub-Divisional Officer, Sheikhpura.
4. The Circle Officer, Sheikhpura.
5. The Station House Officer, Sheikhpura.
6. The Executive Officer, Nagar Prishad, Sheikhpura.
7. Punam Kumari, W/o Ranjeet Malakar @ Malakar, R/o Village - Bari
Sangatpul, PS and District - Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate
For the Respondent/s : Mr. Pankaj Kumar, SC-12

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-04-2025 1. Heard learned counsel for the petitioner and Mr.
Pankaj Kumar, learned SC-12 for the State.

2. Learned counsel appearing on behalf of the State at
the outset submits that petitioner instead of availing his
alternative remedy has moved this Court directly against the
order dated 25.02.2025 passed in Encroachment Case No.
04/2024-2025 by the Circle Officer, Sheikhpura.

3. Learned counsel for the petitioner submits that no
doubt petitioner has alternative remedy of filing an appeal
against the order dated 25.02.2025 passed in Encroachment
Case No. 04/2024-2025 but since the Circle Officer, Sheikhpura



before passing the order dated 25.02.2025 did not give an opportunity of hearing to the petitioner and was adamant for removing the encroachment, as such, the petitioner had to rush before this Court. It is further submitted that petitioner will file an appeal before the Collector, Sheikhpura against the order dated 25.02.2025 in Encroachment Case No. 04/2024-2025 on or before 12.05.2025.

4. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to avail his alternative remedy before the Collector, Sheikhpura by filing an appeal against the order dated 25.02.2025 on or before 12.05.2025, if any appeal is filed by the petitioner before the Collector, Sheikhpura in that event the Collector, Sheikhpura shall consider and dispose of the appeal within a period of three months thereafter after giving proper opportunity of hearing to all concerned.

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

(Satyavrat Verma, J)

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