

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6787 of 2025

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1. Babu Lal Prasad Son of Rambriksh Prasad Resident of Village- Bharwaliya, P.S.- Malahi, District- East Champaran, Motihari.
 2. Madhavlal Prasad @ Madholal Prasad, Son of Ram Briksh Prasad Resident of Village- Bharwaliya, P.S.- Malahi, District- East Champaran, Motihari.
 3. Suresh Prasad, Son of Rambriksh Prasad Resident of Village- Bharwaliya, P.S.- Malahi, District- East Champaran, Motihari.
 4. Kishori Prasad, Son of Bacha Prasad Resident of Village- Bharwaliya, P.S.- Malahi, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Dept., Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Sub Divisional Magistrate, Areraj, District- East Champaran, Motihari.
5. The Anchaladhikari, Paharpur, District- East Champaran, Motihari.
6. Ali Ahmad, Son of Late Sadique Miyan, Resident of Village- Lakshirma, P.S.- Paharpur, District- East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. AC to GA-3

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-04-2025 1. Heard learned counsel for the petitioners and learned
AC to GA-3 for the State.

2. Learned counsel for the petitioners submits that the instant writ application has been filed seeking quashing of the notice dated 21.03.2025 issued by the Circle Officer, Paharpur, East Champaran at Motihari in Encroachment Case No. 16/2024-25 under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 whereby the petitioners have been directed to vacate the



encroachment over the land pertaining to Khata No. 50, Khesra (Plot) No. 1, Mauza Lakshirama, Thana No. 23, district East Champaran.

3. Learned counsel for the petitioners submits that notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 presupposes final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956. It is further submitted that petitioners till date have not been given a copy of the order passed by the Circle Officer, Paharpur, East Champaran at Motihari under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, as such, they could not move in an appeal, hence, the petitioners had to file the instant writ application.

4. Learned State Counsel submits that petitioners have remedy of appeal before the authority competent in terms of the Bihar Public Land Encroachment Act, 1956 on which learned counsel for the petitioners submits that no doubt, petitioners have remedy of appeal but then the order passed by the Circle Officer, Paharpur, East Champaran at Motihari under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has not been supplied to them, as such, the appeal could not be filed.

5. Learned counsel for the petitioners further submits that the petitioners will again apply for obtaining the order passed by the Circle Officer, Paharpur, East Champaran at Motihari in



Encroachment Case No. 16/2024-25 so that an appeal can be filed.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to approach the authority competent by filing an appeal on or before 12.05.2025, if any appeal in accordance with law is filed before the Collector, East Champaran at Motihari in that event the Collector will hear and adjudicate the appeal within a period of four months thereafter in accordance with law after giving opportunity of hearing to all concerned.

7. It is made clear that if no appeal is filed by the petitioners on or before 12.05.2025 in that event the authorities would be at liberty to take action in accordance with the order dated 21.03.2025 passed in Encroachment Case No. 16/2024-25.

8. However, if any appeal is filed on or before 12.05.2025 against the final order passed in Encroachment Case No. 16/2024-25 in that event it would completely at the discretion of the Collector to decide the issue of stay.

9. It is, thus, made clear that there shall be no coercive action against the petitioners till 12.05.2025.

(Satyavrat Verma, J)

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