

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7578 of 2025**

1. Bam Shankar @ Bambam Singh Son of Late Sunil Kumar @ Late Gorelal Singh Resident of Village-Abgil, P.S.-Korma, District-Sheikhpura.
2. Bipin Kumar @ Sagar Singh @ Bipin Singh Son of Late Lakho Singh Resident of Village-Abgil, P.S.-Korma, District-Sheikhpura.
3. Dinesh Singh Son of Jageshwar Singh @ jago Singh Resident of Village-Abgil, P.S.-Korma, District-Sheikhpura.
4. Uchit Narayan Singh @ Uchit Singh Son of Late Gyandhari Singh @ Gendhari Singh Resident of Village-Abgil, P.S.-Korma, District-Sheikhpura.
5. Pramanand Singh Son of Late Devnarayan Singh @ Devan Singh Resident of Village-Abgil, P.S.-Korma, District-Sheikhpura.
6. Dharmendra Kumar @ Dharmendra Singh Son of Late Krishna Prasad Singh @ Krishnandan Singh Shree Krishna Prasad Singh, Resident of Village-Abgil, P.S.-Korma, District-Sheikhpura.
7. Uday Shankar @ Uday Shankar Singh Son of Late Upendra Singh Resident of Village-Abgil, P.S.-Korma, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Sheikhpura.
3. The Additional Collector, Sheikhpura.
4. The Deputy Collector, Sheikhpura.
5. The Sub-Divisional Officer, Sheikhpura.
6. The Circle Officer, Block and Anchal-Sheikhpura, District-Sheikhpura.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar  
For the Respondent/s : AC to GP-6

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      13-05-2025      1. Heard learned counsel for the petitioners and learned AC to GP-6.
2. Learned counsel for the petitioners submits that the instant writ application has been filed seeking quashing of the



order dated 15-12-2022 and 22-9-2023 passed by the Circle Officer, Sheikhpura in Encroachment Case No. 7 of 2022-23 (Annexure-P/6) and the consequential Memo No. 339 dated 22-2-2025 (Annexure-P/7) issued by the Circle Officer, Sheikhpura, requesting SDO, Sheikhpura for providing police force for removing encroachment from land pertaining to Khata No. 126, Khesra Nos. 1253, 1303, area 59 decimal, Mauza-Abgil, Thana No. 181.

3. It is next submitted that from perusal of the notice dated 22-2-2025 (Annexure-P/7) issued by the Circle Officer, Sheikhpura, it would manifest that date for removing the encroachment has been fixed as 14-5-2025.

4. Learned counsel for the petitioners further submits that a specific pleading has been made at para-12 of the writ application that order dated 15-12-2022 and 22-9-2023 passed by the Circle Officer, Sheikhpura, in Encroachment Case No. 7 of 2022-23, was not made available to them, despite their hectic effort and the same was made available only on 28-4-2025, as such they were not in a position to file an appeal under Section 11 of the Bihar Land Encroachment Act 1956 (hereinafter referred to as "Act of 1956") before the Collector, Sheikhpura.

5. It is next submitted that these days it has become



common that the Circle Officers pass order under Section 6(1) of the Act of 1956, but then they do not supply the order and all of a sudden notices are issued Under Section 6(2) of the Act of 1956, directing the encroachers to remove the encroachment. It is further submitted that encroachers are entitled to appeal, but then in absence of order passed under Section 6(1) of the Act of 1956, the filing of appeal becomes an impossibility.

6. Learned counsel for the petitioners next submits that since the order date 15-12-2022 and 22-9-2023 passed by the Circle Officer, Sheikhpura, in Encroachment Case No. 7 of 2022-23 has been made available to the petitioners on 28-4-2025, as such some time be given to the petitioners for filing an appeal against the said order passed by the Circle Officer before the Collector, Sheikhpura.

7. Learned counsel appearing on behalf of the State seeks time for filing a counter-affidavit.

8. The Court, in the nature of prayer made by learned counsel appearing on behalf of the petitioners, is not inclined to grant time to the State for filing a counter-affidavit, as it has been submitted by the learned counsel appearing on behalf of the petitioners that some time be given to the petitioners for filing an appeal before the Collector, Sheikhpura, against the



order passed by the Circle Officer, Sheikhpura, in Encroachment Case No. 7 of 2022-23 under Section 6(1) of the Act of 1956.

**9.** After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to file an appeal against the order dated 15-12-2022 and 22-9-2023 passed by the Circle Officer, Sheikhpura, in Encroachment Case No. 7 of 2022-23 before the Collector, Sheikhpura, on or before 28-5-2025. In the event, if any appeal is filed by the petitioners on or before 28-5-2025, in that event, the Collector, Sheikhpura, shall consider and dispose of the same after giving an opportunity of hearing to the petitioners within a period of two months thereafter in accordance with law.

**10.** It is made clear that the order dated 15-12-2022 and 22-9-2023 (Annexure-P/6) passed by the Circle Officer, Sheikhpura, in Encroachment Case No. 7 of 2022-23 under Section 6(1) of the Bihar Land Encroachment Act 1956 along with the notice dated 22-2-2025 contained in Memo No. 339 (Annexure-P/7) issued by the Circle Officer, Shiekhpora, shall remain stayed until the appeal is disposed of by the Collector, Sheikhpura.

**11.** It is further made clear that if no appeal is filed before the Collector, Sheikhpura, on or before 28-5-2025, in that



event, the order of stay shall automatically get vacated.

**12.** At this stage, the learned counsel appearing on behalf of the petitioners submits that the certified copy of the order dated 15-12-2022 and 22-9-2023 passed by the Circle Officer, Sheikhpura, in Encroachment Case No. 7 of 2022-23, has been annexed with the instant writ application, but then petitioners have applied for another set of the certified copy of the aforesaid order before the Circle Officer, Sheikhpura. It is next submitted that in the event if the certified copies are not made available on or before 28-5-2025, in that event, the petitioners may not be in a position to file appeal before the Collector, on which learned State counsel submits that he will instruct the Circle Officer, Sheikhpura, to ensure that the certified copy of the order dated 15-12-2022 and 22-9-2023 in Encroachment Case No. 7 of 2022-23 is provided to the petitioners on or before 20-5-2025, provided the petitioners have filed requisition for the same.

**(Satyavrat Verma, J)**

SUMIT/-

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