

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8097 of 2025

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1. Doman Saw Son of Ramu Saw, Resident of Village-Badi Sangatpul Par, Ward No. 12, P.S.-Sheikhpura, District-Sheikhpura.
 2. Om Prakash Saw, Son of Ramu Saw, Resident of Village-Badi Sangatpul Par, Ward No. 12, 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 Parishad, Sheikhpura.
7. Punam Kumari, W/o Ranjeet Malakar @ Malakar, R/o Village-Bari Sangatpul, P.S. and District-Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Shrivastava
For the Respondent/s	:	Mr. Additional Advocate General (12)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2025 1. Heard learned counsel for the petitioners and Mr. Asif Kalim, learned AC to AAG-12.

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

3. Learned counsel for the petitioners submits that no doubt petitioners have an alternative remedy of filing an appeal



before the Collector against the order dated 25.02.2025 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 petitioners and was adamant for removing the encroachment, as such, the petitioners had to rush before this Court. It is further submitted that petitioners 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 05.06.2025.

4. 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, Sheikhpura by filing an appeal against the order dated 25.02.2025 on or before in Encroachment Case No.04/2024-2025 on or before 05.06.2025, if any appeal is filed by the petitioners before the Collector, Sheikhpura on or before 05.06.2025, 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 06.06..2025.

6. It is further made clear that if any issue of



limitation will arise the authority competent shall consider that petitioners were availing their remedy before this Court by filing the instant writ application in May, 2025.

(Satyavrat Verma, J)

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