

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8214 of 2025

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1. Bhagya Narayan Thakur son of Late Bharthari Thakur. resident of Village- Uchidih, P.S.-Pipra, District-East Champaran.
 2. Ram Narayan Thakur son of Sanyogi Thakur resident of Village- Uchidih, P.S.-Pipra, District-East Champaran.
 3. Awadhesh Thakur son of Late Bhola Thakur resident of Village- Uchidih, P.S.-Pipra, District-East Champaran.
 4. Tej Narayan Thakur son of Late Bachan Thakur resident of Village- Uchidih, P.S.-Pipra, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, East Champaran at Motihari.
3. The Sub-Divisional Officer, Chakia, East Champaran.
4. The Circle Officer, Chakia Circle, East Champaran.
5. Prabhat Chaudhur son of Late Gandhi Chaudhur, resident of Village- Uchidih, P.S.- Pipra, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra- Advocate Mr. Priyesh Kumar- Advocate
For the Respondent/s	:	Mr. Standing Counsel (13) Mr. AC to SC-13

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2025 1. Heard learned counsel for the petitioners Mr. Shashank Chandra and learned AC to SC-13 for the State.

2. The learned counsel for the petitioners submits that petitioners are aggrieved by notice dated 30.04.2025 issued by the Circle Officer, Chakia in Land Encroachment Case No.13 of 2022-23 separately to the petitioners asking them to remove encroachment from land pertaining to Khata No.90, Khesra



No.126, Thana No.89, Mauza-Unchidih on or before 20.05.2025.

3. The learned counsel for the petitioners next submits that from perusal of the notice dated 30.04.2025, it would manifest that the same has been issued under Section 6(2) of the Bihar Land Encroachment Act, 1956. It is further submitted that Section 6(2) of the Bihar Land Encroachment Act, 1956, presupposes that an order under Section 6(1) of the Bihar Land Encroachment Act, 1956 has been passed. It is next submitted that petitioners till date have not been supplied with the order. It is further submitted that the notice dated 30.04.2025 was received by the petitioners on 11.05.2025 and thereafter, on 13.05.2025, the petitioners filed requisition for obtaining the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 by the Circle Officer, Chakia, but then, the same till date has not been made available and the petitioners have been directed to remove the encroachment by 20.05.2025.

4. It is next submitted that order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 is appealable and the appeal is filed before the Collector in terms of Section 11 of the Bihar Land Encroachment Act, 1956, but then, the



petitioners are not in a position to file appeal before the Collector in absence of the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956.

5. The learned counsel appearing on behalf of the State submits that a supplementary counter-affidavit has been filed on behalf of the petitioners wherein a plea has been taken that on 13.05.2025, a chirkut was filed for obtaining the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956. It is fairly submitted that the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 is appealable.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Chakia to ensure that the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 is supplied to the petitioners separately in view of the requisition filed on 13.05.2025 on or before 20.05.2025, so that the petitioners can avail their remedy of appeal before the Collector, East Champaran, Motihari.

7. It is made clear that if any appeal is filed separately by the petitioners on or before 23.06.2025 before the Collector, East Champaran at Motihari, in that event, the Collector shall consider and dispose of the appeal in accordance with law



within a further period of three months thereafter, after giving an opportunity of hearing to the petitioners.

8. It is further made clear that the notice dated 30.04.2025 issued by the Circle Officer, Chakia shall remain stayed till appeal is not decided by the Collector, East Champaran.

9. It is further made clear that if no appeal is filed by the petitioners on or before 23.06.2025, in that event, the order of stay of the notice dated 30.04.2025 shall automatically get vacated.

10. The supplementary affidavit filed on behalf of the petitioners is taken on record.

11. At this stage, the learned counsel appearing on behalf of the petitioners seeks permission to make rectification at Para-1 of the writ application.

12. Permission is accorded.

(Satyavrat Verma, J)

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