

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8271 of 2025

=====

Mantu Bajpayee, son of Late Ram Narayan Bajpayee, R/V-
Chauhandih/Bajpayeedih (Ghanberiya) P.O.-Bhour, P.S.-Khaira, District-
Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, P.O.-Sachivalay, P.S.-Sachivalay, District-Patna.
2. The Additional Chief Secretary Land Reforms Department, Govt. of Bihar, Patna, At-Vikash Bhawan, P.S.-Rajbanshi Nagar, District-Patna.
3. The District Magistrate, Jamui, At and P.O. and P.S. and District-Jamui.
4. The Circle Officer, Khaira, At and P.O. and P.S.-Khaira, District-Jamui.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha
For the Respondent/s : Mr. Vivek Prasad- Government Pleader (07)

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 14-07-2025 1. Heard learned counsel for the petitioner and
learned GP-7 for the State.

2. The learned counsel appearing on behalf of the State, at the outset, submits that Plot No.1329 and 1270 are neighbouring plots and are public land. It is submitted that the petitioner had encroached the land pertaining to Khata No.408, Plot No.1270, for which Land Encroachment Case No.04 of 2018-19 was instituted by the Circle Officer, Khaira. It is submitted that the Circle Officer, Khaira after giving proper opportunity of hearing to the petitioner passed an order dated 02.05.2025 under Section 6(1) of the Bihar Land Encroachment



Act, 1956 directing the petitioner to remove the encroachment from the land in dispute. The learned State counsel next submits that petitioner has remedy of filing an appeal against the order dated 02.05.2025 before the Collector, Jamui.

3. The learned counsel appearing on behalf of the petitioner submits that petitioner was completely unaware that order dated 02.05.2025 has been passed by the Circle Officer, Khaira under Section 6(1) of the Bihar Land Encroachment Act, 1956. It is next submitted that petitioner, for the first time, came to know about the order dated 02.05.2025, when the counter-affidavit was served on him, on which the learned counsel appearing on behalf of the State submits that since counter-affidavit has been served on the learned counsel appearing on behalf of the petitioner, as such, the petitioner can file an appeal before the Collector, Jamui assailing the order dated 02.05.2025 passed by the Circle Officer, Khaira in Land Encroachment Case No.04 of 2018-19.

4. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file an appeal before the District Magistrate, Jamui against the order dated 02.05.2025 passed by the Circle Officer, Khaira in Land Encroachment Case No.04 of 2018-19, on or before



04.08.2025.

5. In the event, if any appeal is filed by the petitioner before the Collector, Jamui on or before 04.08.2025, in that event, the Collector, Jamui shall consider and dispose of the same within a period of two months thereafter, after giving proper opportunity of hearing to the petitioner.

6. It is made clear that if no appeal is filed by the petitioner on or before 04.08.2025, the Collector, Jamui shall not be obliged to dispose of the appeal within the stipulated time i.e. two months.

7. It is further made clear that status quo as existing as of date shall be maintained and after 04.08.2025, it will be completely at the discretion of the Collector, Jamui to extend or not to extend the order of status quo.

8. The counter-affidavit filed on behalf of the Circle Officer, Khaira is taken on record.

(Satyavrat Verma, J)

vikash/-

U			
---	--	--	--

