

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9573 of 2025**

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1. Priya Ranjan Kumar @ Kumar Priya Ranjan Son of Late Bidha Sagar Singh @ Vidya Sagar Singh, Resident of Village- Rampur Ami, Ward No.14, Police Station- Dighwara, District- Saran.
  2. Ravindra Sah @ Ravindra Prasad Gupta Son of Late Suraj Prasad Gupta @ Late Sunil Prasad Gupta, Resident of Village- Rampur Ami, Ward No.14, Police Station- Dighwara, District- Saran.
  3. Prem Gupta @ Prem Kr. Gupta Son of Late Dashrath Sah, Resident of Ward No.12, village- Rampur Ami, Police Station- Dighwara, District- Saran.
  4. Dilip Gupta @ Dilip Kr. Gupta Son of Late Hajari Sah, Resident of Ward No.12, village- Rampur Ami, Police Station- Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Chapra.
3. The District Magistrate-cum-Collector, Saran, Chapra.
4. The Anchal Adhikari, Dighwara, District- Saran.
5. The Zila Parishad, Saran through its Executive Officer, Zila Parishad Saran at Chapra.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Jitendra Prasad Singh, Sr. Adv.<br>Mr. Abhishek, Advocate |
| For the Respondent/s | : | Mr. Pankaj Kumar Singh, AC to GA (09)                         |
| For the Respondent 9 | : | Mr. Bajarangi Lal, Advocate                                   |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      27-08-2025      1. Defects ignored.
2. Heard the parties.
3. The petitioners have filed the present writ application being aggrieved by the final notice under section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the “Encroachment Act”) dated 23.05.2025 issued by the



Circle Officer, Dighwara (Saran) in Encroachment Case No. 04 / 2024-2025 directing the petitioners to ensure compliance of the order passed by the Circle Officer for removal of encroachment and further direction to remove the encroachment by 10.06.2025.

4. Mr. Jitendra Prasad Singh, learned senior counsel for the petitioners submits that petitioners are rightful owner of the plot in question as mentioned in paragraph nos. 4, 5 & 6 of the writ petition and they have constructed their house on the subject land and have been living therein with their family members for a very long period of time. On 22.02.2025 a notice under section 3 of the Encroachment Act was served upon the petitioners and in pursuance thereof the petitioners submitted their show-cause on 08.03.2025 before the District Magistrate. Subsequently thereafter a revised notice under section 3 of the Encroachment Act was issued on 24.04.2025 and the petitioners submitted their reply in response to the revised notice also on 09.05.2025 before the Circle Officer, Dighwara. He further argued that before issuing final notice under Section 6(2) of the Encroachment Act no opportunity of hearing as provided under section 5 of the Encroachment Act was given to the petitioners and the final order has not been passed under section 6(1) of the



Encroachment Act. The impugned notice has been passed behind the back of the petitioners in violation of the statutory provision, settled proposition of law and violation of the principle of natural justice.

5. On the other hand, learned counsel for the State and Zila Parishad, Saran submits that the petitioners have the remedy of appeal before the District Magistrate under section 11 of the Encroachment Act. The petitioners may prefer appeal before the District Magistrate-cum-Collector, Saran, Chapra against the impugned notice and final order passed by Circle Officer, Dighwara, District- Saran.

6. Having regard to the submissions made by the parties and taking into consideration the fact that specific statement has been given in the writ application that petitioners have not been given opportunity of hearing by the Circle Officer, Dighwara, Saran and the order has been passed behind the back of the petitioners, accordingly, I feel it expedient to dispose the present writ application with liberty to the petitioners to prefer appeal before the respondent no. 3 / District Magistrate-cum-Collector, Saran, Chapra within thirty days from today challenging the impugned notice and final order under section 6(1) of the Encroachment Act, if any, passed by the Circle Officer,



Dighwara, District- Saran copy of which shall be provided by the Circle Officer, Dighwara, District- Saran to the petitioners within fifteen days.

7. If such appeal is filed, the District Magistrate-cum-Collector, Saran, Chapra shall be obliged to dispose the same after hearing all concerned in accordance with law within a period of three months from the date of filing of the appeal.

8. Till final order is passed by the District Magistrate, Saran, Chapra in the appeal; the possession of the petitioners upon the subject land and house shall not be disturbed.

9. With the aforesaid observation and direction this application is disposed of.

**(Anil Kumar Sinha, J)**

praful/-

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