

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10039 of 2025

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1. Akhileshwar Singh @ Akhileshwar Sharma Son of Late Doman Singh, Resident of Village Nagina, P.O. Deohara, P.S. - Goh, District -Aurangabad.
 2. Chitrasen Ojha Son of Late Rajnandan Ojha, Resident of Village - Nagain, Post Deohara, P.S. - Goh, District - Aurangabad.
 3. Rajesh Kumar @ Rajesh Sharma Son of Late Suryadev Sharma, Resident of Village Nagain, Post - Deohara, P.S. Goh, District Aurangabad
 4. Birendra Sharma Son of Late Ram Bharat Sharma, Resident of Village - Nagain, Post- Deohara, P.S. Goh, District - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate, District - Aurangabad, Bihar.
3. The Sub Divisional Officer, District - Aurangabad, Bihar.
4. The Block Development Officer, Goh, District Aurangabad.
5. The Circle Officer, Goh, District - Aurangabad.
6. Omprakash Sharma Son of Kishori Sharma Resident of Village Nagain, Post Deohara, P.S. Goh, District Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate
For the Respondent/s : Mr. Anirban Kundu, SC-24

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-06-2025 1. Heard learned counsel for the petitioners and Mr. Anirban Kundu, learned SC-24 for the State.

2. The case was mentioned for taking it up out of turn on the ground that in Encroachment Case No. 01 of 2019-20 final orders have been passed but then the same is not being supplied to the petitioners, as such, petitioners in absence of final order is not in a position to file his appeal before the respondent no. 2 and also on the ground that notice dated 24.05.2025 has been issued for



removing the encroachment, as such, the case was taken up for hearing out of turn.

3. Learned counsel for the petitioners submits that Encroachment Case No. 01 of 2019-20 was instituted against the petitioners in which final order under Section 6(1) of the Bihar Land Encroachment Act was passed on 03.10.2023 against which the petitioners filed Appeal No. 124 of 2023 before the respondent no. 2. The Appeal No. 124 of 2023 was allowed by an order dated 24.09.2025 and the matter was remanded back to the respondent no. 5. Thereafter respondent no. 5 issued notice dated 02.01.2025 to the petitioners and other co-villagers for appearing on 17.01.2025 and to submit their explanation. It is further submitted that petitioners in compliance of the notice dated 02.01.2025 appeared on 17.01.2025 and submitted their explanation but thereafter no action was taken and all of a sudden a notice dated 27.03.2025 was issued to the petitioners for removing the encroachment on which the petitioners approached the respondent no. 5 seeking the final order passed under Section 6(1) of the Bihar Land Encroachment Act on which it is submitted that a terse reply was given that final order shall be issued only after the encroachment proceedings are over but then in pursuance of the notice dated 27.03.2025 no further action was taken and thereafter a notice contained in memo no. 839 dated 24.05.2025 (Annexure-



P/7) was issued by the respondent no. 5 directing the petitioners to remove encroachment from the land in dispute by 11.06.2025 failing which the encroachment will be removed by the administration by 12.06.2025.

4. Learned counsel for the petitioners submits that till date petitioners have not been supplied the copy of the final order passed by the respondent no. 5 under Section 6(1) of the Bihar Land Encroachment Act, as such, they are not in a position to file their appeal before the respondent no. 2. It is further submitted that earlier also final order under Section 6(1) of the Bihar Land Encroachment Act was passed on 03.10.2023 against which an appeal was filed and the same was allowed. It is next submitted that petitioners till date are not aware that on what ground the respondent no. 5 has passed an order directing the petitioners to remove the encroachment. It is also submitted that petitioners are on the land in dispute in the instant writ application for more than 83 years. It is further submitted that had the final order been provided to the petitioners passed under Section 6(1) of the Bihar Land Encroachment Act in that event the petitioners would have sought their alternative remedy of appeal before the respondent no. 2 but since the final order has not been supplied to the petitioners, as such, the petitioners had to rush to this Court.

5. Learned counsel appearing on behalf of the State



submits that in sum and substance, the grievance of the petitioners is that they have not been supplied with the final order passed under Section 6(1) of the Bihar Land Encroachment Act by the respondent no. 5. It is further submitted that if the petitioners will apply for getting the final order passed by the respondent no. 5 in the aforesaid Encroachment Act in that event the same shall be supplied within one week on which learned counsel for the petitioners submits that they had already applied for obtaining the final order but then the petitioners will again apply by depositing the requisite fee for obtaining the final order passed by the respondent no. 5 in Encroachment Case No. 01 of 2019-20 on or before 02.07.2025.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to apply for certified copy of the final order passed by the Circle Officer in Encroachment Case No. 01 of 2019-20 on or before 02.07.2025, in the event, if any requisition is filed by the petitioners for obtaining the certified copy of the final order, the same shall be supplied by the Circle Officer expeditiously and preferably on or before 09.07.2025.

7. At this stage, learned counsel appearing on behalf of the petitioners submits that if the certified copy of the final order passed in the aforesaid encroachment case is supplied to the



petitioners on or before 09.07.2025 in that event the petitioners would prefer an appeal before the respondent no. 2 on or before 08.08.2025.

8. If any appeal is filed by the petitioners on or before 08.08.2025 against the final order passed by the Circle Officer in Encroachment Case No. 01 of 2019-20 before the respondent no. 2, in that event, no coercive action shall be taken against the petitioners by the authorities until the appeal is finally heard by the respondent no. 2.

9. It is further made clear that if any appeal is filed by the petitioners against the final order passed by the respondent no. 5 in Encroachment Case No. 01 of 2019-20 before the respondent no. 2 on or before 08.08.2025 in that event the respondent no. 2 shall dispose of the appeal within a period of four months thereafter in accordance with law after giving proper opportunity of hearing to all concerned.

(Satyavrat Verma, J)

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