

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10239 of 2025

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Brajesh Sharma @ Brajesh Kumar Akela S/o- Late Shivdani Singh Resident
of Village- Salempur, P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Jehanabad.
5. The Circle Officer, Hulasganj Block, Jehanabad.
6. The S.H.O. Hulasganj Police Station, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-07-2025 1. Heard learned counsel for the petitioner and

learned GP-14 for the State.

2. Learned counsel appearing on behalf of the State submits that petitioner has rushed to this Court against the order impugned in the instant writ application. It is further submitted that the instant writ application has been filed for quashing the order contained in memo no. 766 dated 02.05.2025 issued by the Circle Officer, Hulasganj, District Jehanabad in Encroachment Case No. 03 of 2024-25 whereby he has directed for removing the encroachment made over Gairmajarua Aam Land appertaining to Khata No. 190, Khesra No. 1204 at Mauza



Salempur, Thana No. 659, Circle Hulasganj, District Jehanabad. Learned State Counsel further submits that from perusal of the pleadings made in the writ application, it would manifest that some essential details are missing but then it is fairly submitted that petitioner does not dispute that the land pertaining to Khesra No. 1204 is government land but then the petitioner is contending that his land pertaining to Khesra No. 1203 is adjacent to Khesra No. 1204 which is government land and the Circle Officer, Hulasganj by passing the impugned order has recorded that petitioner has also encroached 1.41 decimals of land pertaining to Khesra No. 1204. Learned State Counsel next submits that from perusal of the notice dated 02.05.2025 impugned in the instant writ application, it would manifest that the same records that opportunity was given to the petitioner and the villagers for removing the encroachment but then no one appeared, as such, a final order under Section 6(1) of the Bihar Land Encroachment Act, 1956 was passed. Learned State Counsel also submits that if petitioner is aggrieved by the notice dated 02.05.2025 and the order passed by the Circle Officer, Hulasganj under Section 6(1) of the Bihar Land Encroachment Act, 1956 in that event he has remedy of appeal before the authority competent in terms of the Bihar Land Encroachment



Act, 1956.

3. Learned counsel appearing on behalf of the petitioner is not in a position to rebut the submission of the learned counsel appearing on behalf of the State but then submits that order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 till date has not been supplied to him on which the learned State Counsel submits that it appears that petitioner may not have applied for obtaining the certified copy of the order passed by the Circle Officer, Hulasganj under Section 6(1) of the Bihar Land Encroachment Act, 1956.

4. Learned State Counsel thus submits that if petitioner files requisition for obtaining the certified copy of the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 in that event the same shall be supplied within one week from the date on which requisition is filed. Learned counsel appearing on behalf of the petitioner next submits that petitioner will file requisites for obtaining the certified copy of the order passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 on or before 10.07.2025.

5. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file requisites for obtaining the certified copy of the order



passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 by the Circle Officer, Hulasganj, District Jehanabad on or before 10.07.2025. If the petitioner files any requisites for obtaining the certified copy passed under Section 6(1) of the Bihar Land Encroachment Act, 1956 in that event the same shall be supplied to the petitioner on or before 18.07.2025 so that petitioner can avail his remedy of appeal before the authority competent.

6. It is made clear that if any appeal is filed by the petitioner against the order passed by the Circle Officer, Hulasganj, District Jehanabad under Section 6(1) of the Bihar Land Encroachment Act, 1956 before the authority competent on or before 18.08.2025 in that event the authority competent shall consider and dispose of the appeal within a period of three months after giving opportunity of hearing to the petitioner and all concerned.

7. It is made clear that no coercive action against the petitioner shall be taken till 18.08.2025 and thereafter it will be for the authority competent to extend or not to extend the order of stay.

(Satyavrat Verma, J)

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