

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10776 of 2025

1. Sarveshwar Jha Son of Late Shyamvar Jha @ Shyambar Jha, Resident of village - Bhandar, Circle Officer-Dhaka, P.S. - Pachpakari, District- East Champaran.
2. Vijay Jha @ Bijay Jha, Son of Late Uchit Jha, Resident of village - Bhandar, Circle Officer-Dhaka, P.S. - Pachpakari, District- East Champaran.
3. Jyoti Narayan Jha @ Jotnarayan Jha, Son of Ramanand Jha, Resident of village - Bhandar, Circle Officer-Dhaka, P.S. - Pachpakari, District- East Champaran.
4. Raghwendra Jha @ Raghvendra Jha, Son of Late Parikshan Jha, Resident of village - Bhandar, Circle Officer-Dhaka, P.S. - Pachpakari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, East Champaran, Motihari.
3. The Deputy Collector, Land Reforms, East Champaran, Motihari.
4. The Additional Collector, Revenue and Land Reforms, East Champaran, Motihari.
5. The Circle Officer, Dhaka, District- East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar
For the Respondent/s	:	Mr. Government Advocate (10)
		Mr. AC to GA-10

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-07-2025 1. Heard learned counsel for the petitioners and learned AC to GA-10 for the State.
2. The learned counsel appearing on behalf of the State, at the outset, submits that the instant writ application has been filed seeking quashing of the order dated 10.06.2025 passed in Encroachment Appeal No.89 of 2024-25 by the



Collector-cum-District Magistrate, East Champaran, Motihari whereby the Collector has affirmed the order dated 23.12.2024 passed in Encroachment Case No.05 of 2022-23 and directed to remove the encroachment from Khata No.297, Khesra No.3570/5680, Mauza- Bhandar. Further, to quash the letter contained in Memo No.811 dated 16.06.2025 issued by the Circle Officer, Dhaka, East Champaran, Motihari whereby the authorities concerned directed to remove the encroachment and fix the date for removal of encroachment on 08.07.2025.

3. The learned State counsel submits that the petitioners have rushed to the Court without availing their alternative remedy of revision before the Divisional Commissioner in terms of the Bihar Land Encroachment Act, 1956.

4. The learned counsel appearing on behalf of the petitioners does not dispute the said submission of the learned counsel appearing on behalf of the State, but then, submits that the petitioners had to rush this Court without availing their alternative remedy as the Circle Officer, Dhaka was bent upon removing the encroachment from the land in dispute after the order passed by the Collector, East Champaran, Motihari.

5. The learned counsel appearing on behalf of the



State submits that the writ application can be disposed of with liberty to the petitioners to move in revision before the Divisional Commissioner against the order impugned in the instant writ application, on which the learned counsel appearing on behalf of the petitioners submits that the petitioners will file revision before the Divisional Commissioner, Tirhut Division against the order impugned in the instant writ application on or before 22.07.2025.

6. After hearing the learned counsel for the parties, the writ application is disposed of with liberty to the petitioners to avail their alternative remedy in accordance with law.

7. It is made clear that in the event, if petitioners file any revision application before the Divisional Commissioner, Tirhut Division on or before 22.07.2025, in that event, the Divisional Commissioner, Tirhut shall consider and dispose of the revision application within a period of two months in accordance with law after giving proper opportunity of hearing to all concern including the petitioners.

8. It is further made clear that if no revision application is filed on or before 22.07.2025, in that event, the Divisional Commissioner, Tirhut Division shall not be obliged to entertain the revision application.



9. It is also made clear that if issue of limitation arises in that event, the authorities competent shall keep in mind that petitioners were pursuing their remedy against the order impugned in the instant writ application before this Court since 04.07.2025.

10. It is further made clear that the order impugned in the instant writ application shall remain stayed till 22.07.2025 and thereafter, it will be at the discretion of the Divisional Commissioner, Tirhut to extend or not to extend the order of stay.

11. The learned State counsel is directed to forthwith communicate the instant order to the District Magistrate, East Champaran and the Circle Officer, Dhaka.

(Satyavrat Verma, J)

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