

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11030 of 2025

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1. Rajendra Prasad Son of Late Vaso Mahto, Resident of Village- Maira, PO Maira Barith, PS Katrisarai, Distt. Nalanda (Bihar).
 2. Jitendra Kumar Sinha Son of Sri Rajendra Prasad, Resident of Village- Maira, PO Maira Barith, PS Katrisarai, Distt. Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through The Collector of the district, Nawada.
2. The Collector of the District (DM), Nawada.
3. The Circle Officer (C.O), Warsaliganj, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Nath Jha Mr. Sunny Kumar
For the Respondent/s	:	Mr.Government Pleader (4)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 01-09-2025 1. Heard learned Counsel for the parties concerned.
2. Learned Counsel for the petitioners submits that the petitioners are owners of the subject land by virtue of the sale deeds, dated 09.07.1983 and 30.09.1983, executed in their favour by its rightful owner and since then, the petitioners have been residing on the subject land after constructing house over it.
3. Suddenly, a notice, under Section 3 of the Bihar Public Land Encroachment Act, 1956, was issued by the Circle Officer, Warsaliganj, in Encroachment Case No. 2 of 2025-26, in which the petitioners have filed objection, but



without serving any notice and without fixing the date of hearing, final notice, under Section 6 (2) of the Bihar Public Land Encroachment Act, 1956, was issued by the Circle Officer, Warsaliganj, which is Annexure 6 to the I. A. No. 01 of 2025, directing the petitioners to remove the encroachment within a period of ten days.

4. Learned Counsel for the State submits that there is provision of appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956, and the petitioners may be directed to avail the remedy of appeal before the Collector.
5. Considering the nature of prayer made in this writ application, the petitioners are directed to prefer appeal before the Collector, Nawada, against the order passed by the Circle Officer, Warsaliganj, in Encroachment Case No. 2 of 2025-26, for removal of encroachment, within a period of fifteen days from today.
6. If such an appeal is filed by the petitioners, the Collector, Nawada, is directed to dispose the appeal in accordance with law and by a reasoned order, after giving opportunity of hearing to the petitioners and all other concerned, within a period of five months from the date of filing of



the appeal.

- 7. Till disposal of the appeal, if filed by the petitioners within a period of fifteen days from today, the petitioners shall not be removed from the house/land in question.
- 8. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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