

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10587 of 2025

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1. Awadhesh Kumar Son of Tanik Singh Resident of Village-Pawai, P.O.-Pawai, P.S.-Suryagarha, District-Lakhisarai at Present Resident at 148 Aurora Plaze, Union City, California (United States).
 2. Devesh Sharan Sharma Son of Late Sheo Sharan Sharma Resident of House No.546, Ward No.24, Mohalla-Kamaruddinaganj, P.O.-Biharsharif, P.s.-Laheri, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Revenue and Land and Reforms, Government of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Sub-Divisional Officer, Lakhisarai.
4. The Circle Officer, Pipariya, Lakhisarai.
5. The S.H.O., Suryagarha Police Station, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Adv. Mr. Sumit Kumar Jha, Adv. Ms. Riya Giri, Adv. Mr. Pratik Raj, Adv.
For the Respondent/s	:	AC to GP-4

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2025 1. Heard learned Senior counsel for the petitioners
and learned AC to GP-4 for the State.

2. The learned Senior counsel appearing on behalf of
the petitioners submits that the instant writ application has been
filed for quashing the order/notice dated 20.06.2025 passed by
the Circle Officer, Pipariya in connection with Encroachment
Case No. 22 of 2019-20 whereby petitioners have been directed
to remove the encroachment till 27.06.2025 on the land situated



at Mouza-Pawai, Thana No. 147, Khata No. 113, Khesra No. 890, Area 1.184 decimal (Annexure- P/10).

3. The learned State counsel, at this stage, submits that the land pertaining to Thana No. 147, Khata No. 113, Khesra No. 890 is government land.

4. The learned Senior counsel appearing on behalf of the petitioners does not dispute the said contention of the learned counsel appearing on behalf of the State that the land from which the encroachment is to be removed is government land, but then submits that land of the petitioners pertains to Mouza-Pawai, Thana No. 147, Khata No. 94, Khesra No. 964 and the Circle Officer, Pipariya in garb of removing encroachment from Khesra No. 890 is trying to demolish the house of the petitioners which is built on Plot No. 964.

5. The learned Senior counsel appearing on behalf of the petitioners next submits that petitioners had earlier moved this Court by filing CWJC No. 1666 of 2024 with a prayer for quashing the order dated 22.01.2024, passed in Encroachment Case No. 22 of 2019-20 by the Circle Officer, Pipariya contained in Memo No. 89 dated 22.01.2024, so far as petitioner is concerned, whereby and whereunder the Circle Officer has directed the petitioner to remove the encroachment made over



plot appertaining to Khata No. 113, Plot No. 890 admeasuring 1.034 decimal over which house of the petitioner is situated, till 20.01.2024 otherwise encroachment would be removed on 29.01.2024 and 30.01.2024 and further cost would be realized from the encroacher. The other prayer of the petitioner in the aforesaid writ application was, for a direction upon the respondents especially the respondent no. 3 for measurement of the land of road and *Nala* which falls under Khata No. 113, Plot No. 890 situated at Mouza-Pawai, Thana No. 147 of Pawai village under Pipariya Block and Suryagarha Police Station of Lakhisarai District, in presence of the petitioner and further direct the respondent Circle Officer to stay the proceedings of Encroachment Case No. 22 of 2019-20 till demarcation and measurement of the land of the petitioner is made.

6. The learned Senior counsel appearing on behalf of the petitioners next submits that CWJC No. 1666 of 2024 was disposed of by an order dated 11.11.2024 (Annexure- P/8). It is submitted that in CWJC No. 1666 of 2024, the State had taken a stand that respondents are not taking any action *qua* the land pertaining to Khata No. 94, Plot No. 964 situated at Mouza-Pawai, Thana No. 147, Pipariya Block, District- Lakhisarai, hence they would definitely measure the land of the petitioner in



his presence and in case it is found that petitioner has encroached the land appertaining to Khata No. 113, Plot No. 890 situated at Mouza- Pawai, Thana No. 147, the encroachment shall then be removed. The learned Coordinate Bench, thereafter, recorded, it is directed accordingly and the writ application was disposed of on the aforesaid terms.

7. At this stage, the learned counsel appearing on behalf of the State submits that what is culled out from order dated 11.11.2024 in CWJC No. 1666 of 2024 is that State had taken a stand that they will get the Plot No. 964 measured and in the event if it is found that any encroachment has been done by the petitioner on Plot No. 890 then the same would be removed, to which the petitioner had also agreed.

8. The learned Senior counsel appearing on behalf of the petitioners submits that the Circle Officer, Pipariya has breached the order dated 11.11.2024 in CWJC No. 1666 of 2024 by issuing notice impugned in the instant writ application without getting Plot No. 964 measured in terms of the stand taken by the State in CWJC No. 1666 of 2024, it is thus submitted that the Circle Officer, Pipariya, without getting Plot No. 964 measured, has issued the notice impugned in the instant writ application, on which the learned State counsel submits that



in the event if the Circle Officer has issued notice dated 20.06.2025 in breach of the order dated 11.11.2024 in CWJC No. 1666 of 2024, in that event the remedy for the petitioners is to file a contempt application on the grounds of violation of order dated 11.11.2024 in CWJC No. 1666 of 2024, but then petitioners, instead of resorting to the remedy available, have come before this Court complaining that notice dated 20.06.2025 has been issued by the Circle Officer in breach of the orders of this Court dated 11.11.2024 in CWJC No. 1666 of 2024.

9. The learned Senior counsel appearing on behalf of the petitioners submits that petitioners had to rush to this Court for the reason that authorities are coming on Plot No. 890 for demolishing the structure standing over it without getting the Plot No. 964 measured. It is submitted that had the authorities measured the land in dispute i.e. Plot No. 964, in that event it would have come to their notice that house of the petitioners is not on any part of Plot No. 890 rather is standing on Plot No. 964, on which the learned State counsel submits that several notices were sent to the petitioners for getting Plot No. 964 measured, but then petitioners never appeared, as such, the measurement was done and thereafter encroachment was found



on Plot No. 890, as petitioners have constructed their house on 1.184 decimal of land pertaining to Plot No. 890, on which the learned Senior counsel appearing on behalf of the petitioners submits that measurement of Plot No. 964 was not done in presence of the petitioners or their representative nor any measurement report has been served on the petitioners or their representative.

10. At this stage, the learned Senior counsel appearing on behalf of the petitioners submits that land pertaining to Plot No. 964 be directed to be measured in presence of the petitioners or their representatives by fixing a date, on which the learned counsel appearing on behalf of the State agrees.

11. After hearing the learned counsel for the parties, **the writ application is disposed of** with a direction to the Circle Officer, Pipariya to get the land pertaining to Plot No. 964 measured in presence of the petitioners or their representative on 09.07.2025, further after measurement, the measurement report shall be handed over to the petitioners or their representative.

12. It is further made clear, that if after measurement, encroachment is found on land pertaining to Plot No. 890 made by the petitioners, in that event the Circle Officer, Pipariya shall



initiate action in accordance with law.

13. The learned Senior counsel appearing on behalf of the petitioners, at this stage, asserts and submits that petitioners or their representative shall remain present before the Circle Officer, Pipariya on 09.07.2025 at 10:00 AM.

(Satyavrat Verma, J)

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