

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12307 of 2025

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Ram Sinhasan Pandey Son of Late Ram Krit Pandey, Resident of village-
Sonbarsa, Post Office- Mion, Police Station- Belaon, District- Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna, Bihar
2. The District Magistrate, Kaimur
3. The Circle Officer, Rampur, Kaimur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Advocate

For the Respondent/s : Mr. Pratik Sinha, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 30-07-2025

Heard learned counsel for the petitioner and Mr. Pratik Sinha, learned AC to GA-5 for the State.

2. The case was mentioned at 10:30 a.m. by the learned counsel appearing on behalf of the petitioner on the ground that 31.07.2025 has been fixed as the date for removing the encroachment over the land in dispute, as such, it was prayed that the case be taken up out of turn. Based on the mentioning made by the learned counsel appearing on behalf of the petitioner, the case was directed to be listed at 02:15 p.m. for taking it up out of turn.

3. Learned counsel appearing on behalf of the petitioner submits that the instant writ application has been filed seeking quashing of the order dated 25.03.2025 issued by the Circle Officer, Rampur, Kaimur under Section 6 of the Bihar Public Land



Encroachment Act, 1956 in Encroachment Case No. 04/2024-25 whereby petitioner has been directed to remove the encroachment from the public land appertaining to Khata No. 42, Khesra No. 134, area 1596 sq. ft. at village Sonbarsa, Thana No. 683, Police Station Belaon, District Kaimur.

4. Learned counsel appearing on behalf of the petitioner further submits that the order impugned in the instant writ application is assailed on the ground that the same has been passed in complete violation of the principle of nature justice. It is next submitted that no doubt, the land in dispute in the instant case is a public land but then the ancestors of the petitioner were residing on the land in dispute prior to independence. It is also submitted that prior to independence, the ancestors of the petitioner were staying on the land by constructing *hut* but after independence and prior to 1955, the ancestors of the petitioner constructed a *Pucca* house over the land in dispute and since then they are residing. It is, thus, submitted that ancestors of the petitioner and thereafter the petitioner, as such, are residing on the land in dispute for more than 90 years. It is further submitted that petitioner is a landless person and the proviso to Section 6(1)(e) of the Bihar Public Land Encroachment Act, 1956 incorporates - provided if any landless person encroached up to 12.5 decimals of public land before the



10th October, 1955, no action shall be taken against him under this Act. It is next submitted that petitioner and his family are residing on the land in dispute for more than 90 years but then the said aspect of the matter was not enquired by the Circle Officer nor the Circle Officer enquired as to whether petitioner is in possession of more than 12.5 decimals of government land. It is also submitted that Encroachment Case No. 04 of 2024-25 was instituted in which the date of hearing was fixed as 03.10.2024 as would manifest from the notice dated 31.08.2024, but, on 03.10.2024, the Circle Officer, Rampur, Kaimur did not hold Court and the next date was not communicated to the petitioner and all of a sudden, the order impugned came to be passed whereby the petitioner was asked to remove the encroachment over the land in dispute, as such, it is submitted that the order impugned was passed without hearing the petitioner. It is further submitted that had the petitioner been given an opportunity of hearing, in that event, petitioner would have tried to establish that his ancestors came on the land in dispute about 90 years back and thereafter the petitioner is in possession of the land prior to 1955 by constructing a *Pucca* house. It is next submitted that the easiest way to enquire about the possession of the petitioner over the land could have been made by making an inquiry from the nearby residence.



5. Learned Counsel appearing on behalf of the State submits that petitioner has rushed to this Court without availing his alternative remedy of appeal against the order impugned in the instant writ application before the District Magistrate-cum-Collector, Kaimur on which learned counsel appearing on behalf of the petitioner submits that since petitioner is threatened with dispossession which has been fixed for 31.07.2025, as such, the petitioner had to rush to this Court on which learned State Counsel submits that petitioner ought to have filed an appeal before the District Magistrate-cum-Collector, Kaimur on which learned counsel appearing on behalf of the petitioner submits that petitioner will file an appeal before the District Magistrate-cum-Collector, Kaimur on or before 18.08.2025.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file an appeal against the order impugned in the instant writ application before the District Magistrate-cum-Collector, Kaimur on or before 18.08.2025. If any appeal is filed by the petitioner on or before 18.08.2025 against the order impugned in the instant writ application, in that event, the District Magistrate-cum-Collector, Kaimur shall consider and dispose of the same within a period of



four months thereafter in accordance with law, after giving proper opportunity of hearing to all concerned including the petitioner.

7. It is made clear that the order dated 25.03.2025 passed by the Circle Officer, Rampur, Kaimur in Land Encroachment Case No. 04/2024-25 shall remain in abeyance until the appeal is decided by the District Magistrate-cum-Collector, Kaimur.

8. It is further made clear that if no appeal is filed by the petitioner on or before 18.08.2025, in that event, the order of abeyance shall lose its force.

9. Learned State Counsel is directed to communicate the instant order to the Circle Officer, Rampur, Kaimur forthwith.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2025
Transmission Date	

