

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13503 of 2025

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Anil Paswan, Son of Late Hiranman Paswan, resident of village- Barharwa Khurd, Anchal-Kesariya, P.S-Dumariyaghat, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The Circle Officer, Kesariya, East Champaran.
5. The S.H.O, Dumriyaghat Police Station, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate
For the Respondent/state: Mr.Standing Counsel (22)
Mr. Vikramadit, A.C. to S.C. 22

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-08-2025 1. The petitioner has filed this writ application for quashing the notice dated 02.08.2025 bearing Memo No. 905 by which the Circle Officer, Kesariya, East Champaran has fixed the date for removal of encroachment from the subject land situated in Thana No. 34, Plot No. 843 on the basis of the final order passed by the Circle Officer in Encroachment Case No. 06 / 2022-23.

2. Learned counsel for the petitioner submits that petitioner is a landless person and has been residing on the land in question for a very long period by virtue of the land having been orally settled vide Rent Roll Circle Record No. 2 / 1985-86.



Before passing final order in Encroachment Case No. 06 / 2022-23 the petitioner has not been given any opportunity of hearing by the Circle Officer and ex-parte final order has been passed behind his back. By virtue of the final order the impugned notice dated 02.08.2025 has been issued for demolition of the residential house of the petitioner. Accordingly, submission is that final order has been passed in violation of the principle of natural justice and statutory provision.

3. Learned counsel for the State submits that under Bihar Public Land Encroachment Act, 1956 (for short “the Act”) there is provision for Appeal under Section 11 of the Act. The petitioner may challenge the order passed by the Circle Officer before the learned Collector as per the statutory provision.

4. Considering the nature of dispute, this writ application is disposed with direction to the petitioner to prefer Appeal before learned Collector, East Champaran at Motihari under Section 11 of the Act within a period of fifteen days from today. If such Appeal is filed by the petitioner; the Collector, East Champaran at Motihari shall be obliged to decide the same in accordance with law after giving opportunity of hearing to all concerned within a reasonable time frame.

5. Till final order is passed by the learned Collector, East



Champaran at Motihari in the Appeal, there shall be no demolition of the structure of the petitioner situated over the land in question.

(Anil Kumar Sinha, J)

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