

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13093 of 2013

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Kumar Sunil Singh, Son of Late Satya Narayan Singh Resident of Ekauna Kothi,
Kesri Nagar, P.S.- Shastri Nagar, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Collector, Dist.- Patna.
4. The Deputy Collector of Land Reforms, Patna Sadar, Dist.- Patna.
5. The Circle Officer, Patna Sadar, Dist.- Patna.
6. The Officer In Charge, P.S.- Shastri Nagar, Patna.
7. Deepak Kumar Sinha, Son of Bindeshwar Prasad Sinha, R/o House No. 33,
Hawamahal, Rajendra Path, North S.K. Puri, P.O. Patliputra , P.S. S K Puri,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Chaubey, Sr. Advocate Mr. Prashant Kumar, Advocate Mr. Dineshwar Pandey, Advocate Mr. Shashank Shekhar Dubey, Advocate
For respondent No.7	:	Mr. Brishetu Sharan Pandey, Advocate Mr. Shubham Shivansh, Advocate
For the State	:	Mr. Mrigendra Kumar, A.C. to G.P.-20.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT

Date : 06-08-2025

Heard learned counsel for th petitioner, learned counsel for
the State and learned counsl appearing for private respondent No.7.

2. In the present writ application, the petitioner has
challenged the order dated 17.06.2013 (Annexure-3) passed by Circle
Office, Patna Sadar prohibiting the petitioner from doing renovation /
construction work in the existing temple. The petitioner has also
challenged order dated 09.09.2013 and 21.09.2013 passed by the Circle
Office in Land Encroachment Case No.11 of 2013-14 whereby



direction has been given to remove the encroachment. The petitioner has further challenged the appellate order dated 05.08.2016 passed by Addl. Collector, Patna in Land Encroachment Appeal No.20 of 2013-14 whereby the appeal filed by the petitioner against the order of the Circle Officer dated 09.09.2013 was dismissed. Learned counsel for the petitioner submits that the order dated 27.06.2013 (Annexure-3) is palpably illegal for the reasons that this order was passed without initiating any land encroachment proceeding. So far as the orders dated 09.09.2013, 29.01.2013 passed in Land Encroachment Case No.11 of 2013-14 are concerned, learned senior counsel appearing for the petitioner submits that these orders are nullity in the eye of law because they have been passed behind the back of the petitioner as no notice under Section 3 of the Bihar Public Land Encroachment Act was ever issued to the petitioner, thereby denying the petitioner the opportunity to participate in the Land Encroachment Case No.11 of 2013-14. Consequently, the learned senior counsel appearing for the petitioner submits that the appellate order dated 05.08.2016 (Annexure-6) passed by the Addl. Collector, Patna in Land Encroachment Appeal No.20 of 2013-14 would also be illegal as it has upheld the order dated 09.09.2013 which was passed in complete violation of the principal of natural justice.



3. Learned senior counsel appearing for the petitioner further submits that in order to resolve the present stalemate, it would be proper to set aside the above orders and, thereafter relegate this matter before the Committee constituted by the State Govt. in terms of Rule 3(2) of “The Bihar Unauthorised Religious Structure Construction Survey and its Regularisation, Re-location and Removal Rules, 2013”.

4. To the aforesaid submission made by learned senior counsel appearing for the petitioner, learned counsel appearing for the respondent-State submits that this writ application may be disposed of by sending this matter to the Committee of the State Govt. constituted in terms of Rule 3(2) of “The Bihar Unauthorised Religious Structure Construction Survey and its Regularisation, Re-location and Removal Rules, 2013”.

5. Learned counsel appearing for private respondent No.7 also does not have any objection.

6. Considering the nature of the submission-cum-prayer made by learned senior counsel appearing for the petitioner, which is not opposed by learned counsel appearing for respondent No.7 as well as by learned counsel appearing for respondent-State, the impugned orders dated 27.06.2013 (Annexure-3) dated 09.09.2013 and 21.09.2013 (Annexure-5 series) and Appellate Order dated



05.08.2016 (Annexure-6) are hereby quashed and the present matter is sent for decision before the Committee constituted under Rule 3 (2) of 'The Bihar Unauthorised Religious Structure Construction Survey and its Regularisation, Re-location and Removal Rules, 2013'. The Committee shall hear all the parties concerned and after giving adequate opportunity of hearing to all concerned, the Committee will decide this matter by passing a reasoned and speaking order preferably within a period of 6 months from the date of production of a copy of this order. The petitioner will produce a copy of this order before the Committee within 15 days from today.

7. Till such time, the matter is pending adjudication before the Committee, no construction will be carried out by the petitioner on the land in question.

8. With the aforesaid observation and direction, the present writ application is allowed to the extent indicated above.

9. All pending I.A., if any, shall automatically accordingly disposed of.

(Alok Kumar Sinha, J)

sanjeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	06.08.2025
Transmission Date	

