

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16272 of 2025

1. Dina Nath Prasad @ Dina Nath @ Dina Nath Pd. Singh S/o Late Ravi Briksh Prasad, Resident of Village- Karhi, P.O.- Karhi, P.S.- Baniapur, District- Saran at Chapra.
2. Sanjay Chaudhary, S/o Ram Nath Chaudhary, Resident of Village- Karhi, P.O.- Karhi, P.S.- Baniapur, District- Saran at Chapra.
3. Arjun Sah, S/o Sakal Sah, Resident of Village- Karhi, P.O.- Karhi, P.S.- Baniapur, District- Saran at Chapra.
4. Vidyawati Devi, W/o Sampat Ram, Resident of Village- Karhi, P.O.- Karhi, P.S.- Baniapur, District- Saran at Chapra.
5. Santosh Prasad, S/o Dina Nath Prasad, Resident of Village- Karhi, P.O.- Karhi, P.S.- Baniapur, District- Saran at Chapra.
6. Bishwshwar Pandit, S/o Late Dharm Nath Pandit, Resident of Village- Karhi, P.O.- Karhi, P.S.- Baniapur, District- Saran at Chapra.
7. Gauri Devi, W/o Shiv Balak Ram, Resident of Village- Karhi, P.O.- Karhi, P.S.- Baniapur, District- Saran at Chapra.
8. Pinky Devi, W/o Sanjany Chaudhary, Resident of Village- Karhi, P.O.- Karhi, P.S.- Baniapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Sub-Divisional Officer, Sadar Chapra, Dist. - Saran at Chapra.
4. The Circle Officer, Baniapur, District- Saran at Chapra.
5. The Officer-in-Charge, Baniapur, P.S. and District- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Maheshwar Prasad, Adv.
For the Respondent/s	:	Mr.Arun Kumar Prasad, AC to SC 5

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 21-11-2025

Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“i. For issuance of appropriate writ(s) in the nature



of writ of certiorari quashing notice issued several persons of the village Karhi contained in Annexure -I series last being dated 07.08.2025 respectively issued by the circle officer, Respondent 4, for removal of so-called encroachment from plot no. / Survey no 2140 2139. under Khata no. 324. Thana no 40 under Mauza Karhi, P.S.Baniapur at Chapra, Saran and to restraining to demolish the 50 houses were constructed by the villagers.

ii. For further direction to the respondents to not remove to the Petitioners from the disputed land in possession since 70 years ago, and also without provide a proper Home Shelter Land in the Village Karhi, because Petitioner are below Poverty line.

iii. For further also direction to not disturb and remove the Angan Bari Centre, Middle School and 10+2 inter School building on the disputed land and acknowledgement of the same in circle inspector report.

iv. for further directions to sympathetically consider, the government circular letter no-4 101/712, 2188/RO issue dated to this 12.05.1971 containing Annexure -application.

v. For Grant of any other relief (s) as deem fit and proper in the facts and circumstances of the present case.”



3. Without going into the merits or demerits of this case, the present Writ Petition is disposed of at the stage of admission with the consent of both the counsels.

4. Having regard to the fact that the petitioners have challenged the notice issued under the Bihar Public Land Encroachment Act (Annexure P/1). This Court is not inclined to entertain the present Writ Petition.

5. Liberty is granted to the petitioners to file their objections to the said notice along with the requisite documents within a period of four weeks from today. On such objections being filed the Respondent-Authority shall consider the same and pass a reasoned order giving reasons either for accepting or rejecting the claim of the petitioners. The authority before passing any order shall put the petitioners on notice and give them an opportunity of hearing. Any orders passed shall be communicated to the petitioners.

6. Till such time the final orders are passed the authorities are directed not to take any coercive steps. In case the petitioners do not file their objections within the stipulated period, the Respondent-Authorities are free to remove the encroachments in accordance with law.



7. With the above directions, the Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

Shamshad/-

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