

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15704 of 2025

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Jay Prakash Prasad, Son of Udit Narayan Prasad, Resident of Village- Vaisa,
P.S. Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Khagaria.
2. The Collector/District Magistrate, Khagaria.
3. The District Land Acquisition Officer, Khagaria.
4. The Sub Divisional Magistrate, Khagaria.
5. The Circle Officer, Parbatta, in the District of Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Upendra Prasad, Advocate Mr. Rajiv Ranjan, Advocate Mr. Sunil Kumar Advocate
For the Respondent/s	:	Mrs. Anuradha Singh, SC-21

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-11-2025 The instant writ petition has been filed by the

petitioner under Article 226 of the Constitution of India seeking

the following relief:-

*“ 1. That this petition is being filed on behalf
of the petitioner for issuance of an appropriate writ(s),
order(s), direction(s) commanding the Respondents as
well as for setting aside notice vide Memo No. 2510
dated 13.08.2025 passed by the Circle Officer, Parbatta,
District-Khagaria issued in the name of the petitioner
and for restraining the Respondent concerned from
disturbing the physical possession over the land
belonging to the petitioner as the petitioner has not
encroached any land of the Government whereby, the
petitioner has been directed to vacate the land
appertaining to Mauza- Vaisa, Thana No. 352, Khata No.*



170, Khesra No. 179 admeasuring an area of 3 decimal which is meant for construction of Anganbari Centre without initiating any encroachment proceeding against the petitioner and without giving any opportunity to the petitioner for explaining his case in the matter raised by the Circle Officer, Parbatta.”

2. Mr. Upendra Prasad, learned counsel appearing for the petitioner and Mrs. Anuradha Singh, learned SC-21 for the State-Respondents are present and they are heard.

3. It is submitted by the petitioner’s counsel that, vide notice Annexure-P/1 issued by the Circle Officer, Parbatta, an encroachment proceeding has been initiated against the petitioner. The petitioner has filed his reply to that notice by way of Annexure-P/2, upon which no action has been taken to redress the petitioner’s grievance regarding the initiation of the encroachment proceeding. It is further submitted that the petitioner is not an encroacher over the land relating to Plot No. 179; rather, he has been residing in his house constructed over Plot No. 181, in the area where Plot No. 179 is also situated. As the mutation appeal of several persons in respect of Plot No. 179, belonging to the State Government, in whose favour *jamabandi* has been already created, is already pending, and further the petitioner has been in peaceful possession of the land in question, which was purchased by his father, there is no



justification for initiation of the said encroachment proceeding.

4. After hearing both sides and going through Annexures-P/1 and P/2, this Court finds that the issue raised by the petitioner is premature and at this stage, I am not persuaded to invoke the writ jurisdiction of this Court to settle the issue raised by the petitioner in his writ petition, however, the Circle Officer, Parbatta, Khagaria (Respondent No. 5), is directed to consider the petitioner's application (Annexure-P/2) filed by him in response to the notice issued from the Office of the Circle Officer, Parbatta, Khagaria, and the decision on his representation (Annexure-P/2, i.e., reply to the notice) shall be communicated to the petitioner through registered post.

5. Petitioner will have a liberty to challenge the final order as per the provision of law, if the same is passed in connection with the aforesaid encroachment proceeding.

6. Accordingly, with above observation as well as direction the instant writ petition stands disposed of.

(Shailendra Singh, J)

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