

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16576 of 2025

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1. Rambriksh Prasad @ Rambrich Prasad Son of Late Brahmadev Prasad, Resident of Village- Parwalpur, Police Station- Parwalpur, District- Nalanda.
 2. Ramashish Prasad, Son of Late Brahmadev Prasad, Resident of Village- Parwalpur, Police Station- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, District- Nalanda.
3. The Deputy Collector Land Reforms (D.C.L.R.), Hilsa, District- Nalanda.
4. The Circle Officer, Parwalpur, District- Nalanda.
5. The Station House Officer, P.S.- Parwalpur, District- Nalanda.
6. Ram Nandan Prasad Singh, Son of Budhani Singh, Resident of Village- Parwalpur, Police Station- Parwalpur, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Government Pleader (18)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-10-2025 1. Heard learned Counsel for the parties concerned.
2. The petitioners have filed the present writ application being aggrieved by the final notice, dated 27.09.2025 (Annexure P/7), issued by the Circle Officer, Parwalpur, Nalanda, in Encroachment Case No. 02 of 2024-25, whereby the petitioners have been directed to remove the encroachment from Khata No. 948, Plot No. 4631, having an area of 0.048 decimals, upon which part of the residential house of the petitioners is situated.



3. The contention of the petitioners that the land, in question, is the khatiyani land of the petitioners and no encroachment on the public land has been done by the petitioners at any point of time. Pursuant to the notice issued under Section 3 of the Bihar Public Land Encroachment Act, 1956, the petitioners appeared and filed their objection, but without hearing the petitioners, suddenly the final notice of removal of encroachment has been served upon them.
4. Learned Counsel for the State submits that the petitioners submitted their objection, participated in the proceeding initiated under the Bihar Public Land Encroachment Act, 1956 and after final order having been passed in the Encroachment Case No. 2 of 2024-25, the impugned notice has been issued, directing the petitioners to remove the encroachment. The petitioners have the remedy of appeal before the Collector of the district against the order passed by the Circle Officer.
5. Considering the nature of prayer made in the present writ application and the fact that the order passed by the Circle Officer is appealable before the Collector, accordingly, the petitioners are directed to file appeal



before the Collector, Nalanda, within a period of four weeks from today.

- 6. If such an appeal is filed by the petitioners, the Collector, Nalanda, shall dispose the same in accordance with law by a reasoned order within a period of four months from the date of filing of the appeal.
- 7. Till the disposal of the appeal by the Collector, Nalanda, the possession of the petitioners shall not be disturbed and there shall be no demolition of the alleged encroachment.
- 8. With the aforesaid observation and direction, this writ application is allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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