

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16963 of 2025

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1. Ravi Kumar Son of Late Hari Narayan Yadav, Resident of Village Bhagirath Tola, P.S. Naubatpur, Dist. Patna.
 2. Bimal Kumar, Son of Late Jay Narayan Yadav, Resident of Village Bhagirath Tola, P.S. Naubatpur, Dist. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Sub Divisional Officer, Danapur, Patna.
4. The Circle Officer, Naubatpur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. Madhukar Mishra, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2025 Heard learned counsel for the parties concerned.

2. The present writ application has been filed being aggrieved by order dated 15.02.2025/10.03.2025, passed in Encroachment Case No. 04/2024-25 by the Circle Officer, Naubatpur, Patna, having Khata No. 276, Plot No. 1896 whereby Circle Officer has directed for removal of encroachment from the said plot, declaring the land as Garmajarua Malik land.

3. Learned senior counsel for the petitioner submits that land in question was settled in favour of the petitioner's



forefather in 1958 and after abolition of Zamindari, jamabandi was created in favour of the petitioner's ancestors. Since then rent is being paid by the petitioner from 1959-60. The copy of which has been annexed at Annexure-5 series. He further submits that the notice dated 01.02.2025 was issued, fixing the date of hearing of the encroachment case no. 04/2024-25 on 15.02.2025 at 11:00 a.m., but notice was served upon the petitioner after the date of hearing on 18.04.2025 as stated specifically by the petitioner in para-11 of the writ application.

4. Accordingly, the submission is that without giving any opportunity of filing objection and hearing to the petitioner, respondent/C.O. has passed the final order of demolition on 15.02.2025 behind the back of the petitioner in violation of principles of natural justice. Subsequently, thereafter, the final notice of the removal of the encroachment dated 27.09.2025, Annexure-P/8, was issued, fixing the date of removal of encroachment on 17.10.2025.

5. Learned counsel for the State submits that the final order passed by the Circle Officer is appealable under Section 11 of the Bihar Public Land Encroachment Act and the petitioner without availing the remedy of appeal, has directly file writ application before this Hon'ble Court.



6. Considering the submission advanced by the parties and taking into consideration the fact that the order is appealable before the District Collector, accordingly, this writ application is disposed with direction to the petitioner to file appeal against the impugned order dated 15.02.2025/10.03.2025 within a period of one month from today.

7. If the appeal is filed within the aforesaid period, the District Magistrate shall decide the same in accordance with law by giving opportunity of hearing to the petitioner and all concerned within a further period of five months.

8. Till the final order in appeal is passed by the District Magistrate, the respondent shall not take any step for removal of encroachment from the land in question and the operation of the final notice dated 27.09.2025 contained in Annexure-8, shall remain inoperative.

(Anil Kumar Sinha, J)

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