

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17045 of 2025

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Upendra Sharma son of Late Awadh Bihari Sharma, Resident of Village-
Baigani, P.O. Hulasganj, P.S. Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Sub Divisional Officer, Jehanabad.
4. The Deputy Collector Land Reforms, Jehanabad.
5. The Circle Officer, Hulasganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar
For the Respondent/s : Mr. Government Advocate (5)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2025 1. Heard the parties.

2. The petitioner has filed the present writ application being aggrieved by the final order dated 18.09.2025 passed by Circle Officer, Hulasganj in Encroachment Case No. 03 / 2025-26 and final notice dated 23.09.2025 directing the petitioner to remove the encroachment by 10.10.2025.

3. Learned counsel for the petitioner submits that petitioner is 'khatiyani' owner of the land in question bearing Khata No. 149, Plot No. 855 situated at Mauza- Baigni, P.S. - Hulasganj, District - Jehanabad. The measurement, according to the measurement report, at Annexure- P/4 was done digitally behind



the back of the petitioner. The petitioner filed objection before the Circle Officer, Hulasganj under Section 4 of Bihar Public Land Encroachment Act, 1956 (for short “the Act”) but the Circle Officer, Hulasganj without considering the objection of the petitioner in proper perspective passed the impugned order in perfunctory manner holding the petitioner as an encroacher to the extent of 2.57 decimal of public land.

4. Learned counsel for the State submits that the impugned order and notice are appealable before the Collector under Section 11 of the Act and the petitioner without availing the remedy of appeal has filed the present writ application.

5. Considering the nature of dispute and the fact that impugned order and notice are appealable, accordingly, this writ application is disposed with direction to the petitioner to file appeal before the District Collector, Jehanabad within a period of one month from today. If such an appeal is filed, the District Collector, Jehanabad shall decide the same in accordance with law after giving opportunity of hearing to the petitioner, the respondents and all concerned, if any, within a period of five months from today.

6. Till the appeal filed by the petitioner is disposed, the respondents shall not take any steps for removal of



encroachment from the disputed land.

(Anil Kumar Sinha, J)

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