

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19377 of 2025

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1. Most. Radha Devi wife of Late Baldev Rai, Resident of Gram-Uphaarpura, Post- Dhanaut, District- Patna, Pin-801506. Mobile No.- 8986011305.
 2. Sri Vijay Shankar Rai Son of Late Baldev Rai, Resident of Gram-Uphaarpura, Post- Dhanaut, District- Patna, Pin- 801506. Mobile No.- 8986011305.

... .. 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, District- Patna.
3. The sub-divisional officer, Danapur, Sub-Division- Danapur, District- Patna.
4. The circle officer, Danapur.
5. The circle officer, Phulwari.
6. Abhishek Singh, Sarkari Amin, through the Circle Officer, Danapur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Pratap, Advocate
For the Respondent/s	:	Mr. Government Pleader (18)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-12-2025 Heard Mr. Shivendra Roy, learned counsel for the
petitioners and Mrs. Prerna Anand, AC to GP-18.

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

*“I. For restraining the illegal and
arbitrary action of the Respondent No. 6 in
conducting an unauthorized measurement of the
Petitioners' land on 16.09.2025 and 18.09.2025
without prior notice or official order, as detailed in*



the body of the Petition;

II. Issue a Writ of Certiorari or any other appropriate Writ, Order or Direction, quashing the impugned show cause notice vide Letter No. 5480 dated 06.10.2025 (Annexure-6) issued by the Respondent No. 5 (Circle Officer, Phulwari), being arbitrary, without jurisdiction, and based on a misrepresentation of facts;

III. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the Respondent Authorities, particularly Respondent Nos. 4 and 5, to immediately cease and desist from interfering with the Petitioners' peaceful, continuous, and uninterrupted possession of their lawfully owned land (Plot No. 398, Mauza-Khalilpura, Danapur), and further directing them not to take any coercive steps, including demolition of the boundary wall, without following the strict mandate of the law;

IV. Issue a Writ of Mandamus directing the Respondent Nos. 2, 3, and 4 to dispose the Petitioners' Representations dated 08.10.2025 and



09.10.2025 (Annexure-5 Series) within a fixed time frame; and

V. Pass such other and further relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. The matter relates to Khata no. 184, Plot no. 398, Area 2 Katha under Mauza – Khalilpur, Circle – Danapur in the district of Patna.

4. The petitioner is also getting rent receipt with regard to the said land. He received a notice dated 06.10.2025 from the Circle Officer, Phulwarishariff, Patna asking him to submit the show cause as to why the boundary wall is being constructed which is being used as ‘*rasta*’ by the locals (Annexure-6 to the writ petition).

5. It was promptly replied on 10.10.2025 as per the seal of the Circle Office, Phulwarishariff (Annexure-P/7).

6. By filing the writ petition, the petitioner wanted hearing as also disposal of the said case after he filed the show cause.

7. Today, during the Court proceeding, he has provided a memo no. 6042 dated 29.11.2025 issued by the Circle Officer, Phulwarisharif, Patna by which the petitioner has



been noticed to remove the encroachment or face the consequences.

8. Let the same be kept on record.

9. The submission is that a notice was issued, promptly replied, no date of hearing was put forward and/or heard, the matter has not been taken to its logical conclusion, instead, this notice has been issued.

10. Learned State counsel submits that once the notice has been issued, show cause filed as manifest from the seal (Annexure-7), the same has to be taken to its logical conclusion in accordance with law.

11. If the contention of the petitioner is correct, it is clear that the Circle Officer, Phulwari Sharif has acted in a very illegal manner, a show-cause pursuant to the notice issued by him/her office has been filed, not taken into consideration nor the petitioners were given any hearing, no order is on record if the contention of the petitioners as submitted by the learned counsel for the petitioners is to be believed and this memo no. 6042 dated 29.11.2025 has been issued.

12. In that background, he/she is directed to give an opportunity of hearing to the petitioners and take the matter to its logical conclusion pursuant to the notice issued by him/her



on 06.10.2025 vide memo no. 5480.

13. Till he/she passes an order and a copy of the reasoned order is handed over to the petitioners, the memo no. 6042 dated 29.11.2025 shall remain in abeyance.

14. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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