

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19246 of 2025

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Sudha Devi @ Sudha Kumar, wife of Late Amresh Kumar, resident of
Defence Colony, Shahpur, P.S. Shahpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reforms and Revenue Department, Patna.
2. The District Magistrate, Patna.
3. The Executive Engineer, Minor Irrigation Division, Patna.
4. District Land Acquisition Officer, Patna.
5. The Sub-Divisional Magistrate, Danapur.
6. The Executive Engineer, Punpun Barh Suraksha Pramandal, Anishabad, Patna.
7. The Lower Divisional Irrigation Sub-Divisional, Danapur, Patna.
8. The Circle Officer, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-12-2025 Heard the parties.

2. This is the second round of litigation as earlier against the notice under Section 3 of the Bihar Public Land Encroachment Act, when the show cause reply of the petitioner was not looked into by the Circle Officer, Danapur, the petitioner had approached this Court in C.W.J.C. No. 6174 of 2023. This Court vide order dated 20.06.2023 disposed of the writ petition with a liberty to the petitioner to file memo of



appeal before the Collector, Patna; accordingly the petitioner preferred Appeal No. 14 of 2023-24. The Collector after having given opportunity to the parties, set aside the order of the Circle Officer, Danapur vide order dated 20.04.2024 and directed the Circle Officer to personally inspect the land in question on the basis of the survey report and provide reasonable time to the petitioner and after hearing both the parties, passed clear speaking order within one month. Despite the aforesaid direction of the District Collector, the Circle Officer without making proper inspection and in absence of any report submitted by the Junior Engineer, Minor Irrigation, Sub Division, Danapur has passed the order dated 17.11.2025 in Encroachment Case No. 09/2022-23 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, which is nothing but a repetition of the earlier order passed by him in the earlier encroachment case, is the contention of learned Advocate for the petitioner. The Circle Officer further directed for removal of the encroachment over the Government land under Section 6(2) of the Act.

3. It is further urged by the learned Advocate for the petitioner that the land in question was duly purchased by the father of the petitioner and thereupon it was gifted to the



petitioner. A Jamabandi has been created in favour of the petitioner bearing Jamabandi No. 148 and duly entered in Register-II. Nonetheless, the Circle Officer without looking into all the aspect of the matter has passed the impugned order.

4. Learned Advocate for the State made a preliminary objection with regard to the maintainability of the writ petition and submits that against the order impugned, the petitioner has statutory remedy of appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956.

5. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the facts that the petitioner has expeditious statutory remedy available under the law, this Court deems it fit and proper to dispose off the writ petition with a liberty to the petitioner to prefer an appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956, preferably within a period of four weeks' from today. On appeal being filed, the parties shall be given opportunity of hearing and a fresh order shall be passed by the District Collector within a further period of eight weeks.

6. In the mean time, it is expected that the order impugned shall not be given effect to.



7. The writ petition stands disposed off, with the liberty aforesaid.

(Harish Kumar, J)

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