

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1040 of 2025

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1. Manish Kumar Son of Arun Singh, Resident of Village- Saraiya, Police Station- Barbigha, District- Sheikhpura.
 2. Pintu Kumar Son of Shankar Singh, Resident of Village- Saraiya, Police Station- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Revenue and Reforms, Government of Bihar, Bihar, Patna.
2. The District Magistrate-cum-Collector, Sheikhpura, District- Sheikhpura.
3. The Sub Divisional Officer, Sheikhpura Sub Division, District- Sheikhpura.
4. The Circle Officer, Barbigha Circle, Police Station- Barbigha, District- Sheikhpura.
5. The Superintendent of Police, Sheikhpura, District- Sheikhpura.
6. The S.H.O., Barbigha Police Station, District- Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Respondent/s : Addl. Advocate General (05)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 25-06-2026 Heard learned counsel for the petitioners and

learned counsel for the respondents.

2. The instant writ application has been filed for the

following reliefs:-

- (i) *For setting aside the notice dated 21.12.2024 in Memo No.1753 by seal and signature of Circle Officer, Barbigha the respondent no.4, whereby and whereunder it has been directed for removal of encroachment within 1 week which falls in Mauza- Saraiya Khata No.163, Khesra No.1058 area total 0.404 decimal which has come in the purview of encroachment.*
- (ii) *For directing the respondents as to why without*



following the mandatory provision as laid down in Bihar Land Acquisition Act as well as without passing order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, the said notice dated 21.12.2024 has been issued.

(iii) For commanding the respondents as to why notice dated 21.12.2024 has been issued without considering the facts and the lands mentioned in the notice dated 21.12.2024 is either Khatiyani or Malik Gairmazarua which has been settled in the name of the father of the petitioner no.2 and the uncle of petitioner no.1, the said notice has been issued without cancelling the Jamabandi.

(iv) For directing the respondents as to why the above notice has been issued whereby the petitioners along with their whole family member has put in trouble.

(v) For any other direction(s) which this Court may deem fit and proper.

3. Learned counsel for the petitioners submits that the notice has been issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as "the Act"). According to the petitioners, the initiation of the proceeding itself is without jurisdiction. It is further submitted that no response to the said notice has yet been filed and no final order has been passed by the authorities.

4. On the other hand, learned counsel for the State submits that, since the petitioners have not filed any response to the notice issued under Section 3 of the Act, they may be directed to submit their response along with all supporting



documents, including the relevant revenue records.

5. Considering the submissions advanced on behalf of the parties, this Court deems it appropriate to direct the petitioners to file their response/objections to the notice issued under Section 3 of the Act, along with all supporting materials, within a period of three weeks from today.

6. It is made clear that upon filing of such objections/response, the competent authority shall consider the same and pass a reasoned final order only after affording an opportunity of hearing to all concerned and taking into consideration the relevant revenue records. It is further directed that any order passed under Section 6(1) of the Act shall be duly communicated to the persons alleged to be under encroachment so as to enable them to avail of the statutory remedy available under law, if aggrieved.

7. With the aforesaid observations and directions, the instant writ application stands disposed of.

(Ajit Kumar, J)

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