

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.793 of 2026

1. Ashraf Hussain Son of Shamimuddin Khan @ Shamin Miyan, Resident of village- Mauna, Post Office- Taraun, Police Station - Nasriganj, District- Rohtas.
2. Rahmatullah Ansari, Son of Late Shahbuddin Ansari, Resident of village- Mauna, Post Office- Taraun, Police Station - Nasriganj, District- Rohtas.
3. Sayad Qaisar Nehal, Son of Syed Nehaluddin, Resident of village- Mauna, Post Office- Taraun, Police Station - Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Land Reforms Department, Patna, Bihar.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Public Grievances Officer, Block- Kanti, District- Muzaffarpur.
4. The Circle Officer, Block- Kanti, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Adv.
For the Respondent/s : Mr. Sumant Kumar Singh, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-02-2026 Heard the parties.

2. The petitioners claiming to be land holders of the part of different *Khata* and *Khesra* number situated within Nasriganj, Rohtas are aggrieved with the order dated 15.12.2025 as also the notice issued thereupon by the Circle Officer, Nasriganj, Rohtas in Encroachment Case No. 03/2025-26, whereby the petitioners have been directed to remove the encroachments.



3. Learned Advocate for the petitioners refuting the findings of the Circle Officer, Nasriganj, Rohtas has submitted that the land, over which the petitioners have been coming in possession are their *raiya* land and, as such, any order to remove the structures constructed over the *raiya* land of the petitioners by treating it to be an encroachment is wholly illegal and unsustainable in law.

4. Learned Advocate for the State, at the outset, submits that the order passed by the Circle Officer, Nasriganj, Rohtas is appealable under Section 11 of the Bihar Public Land Encroachment Act, 1956 and if the petitioners have any grievance, they should prefer appeal before invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

5. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the statutory remedy available to the petitioners under the law, the present writ petition stands disposed off with a liberty to the petitioners to prefer appeal against the impugned order, if so aggrieved, within a period of two weeks.

6. In case, such an appeal is preferred, the learned competent authority/District Magistrate, Rohtas at Sasaram shall hear the appeal and pass appropriate order, in accordance with law, within a further period of twelve weeks, after giving proper



opportunity to all stake holders. However, it is made clear that if the alleged encroachment is residential/shop in nature till filing of the appeal and on hearing the stay petition, no coercive steps shall be taken.

(Harish Kumar, J)

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