

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2613 of 2025

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Raj Kumar Singh Son of Bishudeo Singh, Resident of Village- Ramhua, P.O.-
Ramchua, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Banka cum Public Grievance Redressal Cell Officer (Second Appellate Officer).
3. The Sub-Divisional Officer, Banka
4. The Land Reforms Deputy Collector, Banka
5. The Circle Officer, Shambhuganj.
6. The Sub-Divisional Public Grievance Redressal Cell Officer, Banka.
7. The Additional Collector Cum Public Grievance Redressal Cell Officer (First-Appellate Officer), Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Respondent/s : Additional Advocate General (7)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-06-2026 Heard learned counsel for the petitioners and

learned counsel for the State.

2. The instant writ application has been filed for the

following reliefs:-

(i) For directing the concerned respondents specially the respondent no.05, the Circle Officer, Shambhuganj to remove the encroachment from the public site i.e. from the gairmazarua Aam land which thana no.38, holding no.392/116, plot no.745, area 0.034 decimals, holding no.166, plot no.143, area-2.00 acres, holding no.116 plot no.671, area 4 acres 73 decimals, 656 area 66 decimal and holding no.115 plot no.650 area 65 decimals and 670 area 50 decimals all are situated un-



der Mauza-Khajuri.

(ii) For setting aside the order dated 20.12.2022 of the Sub-Divisional Public Grievance Redressal Cell Officer, Banka, 13.02.2023 of the Additional Collector-cum-Public Grievance Redressal Cell Officer (First Appellate Officer) Banka, and 21.04.2023 of the District Magistrate-cum-Public Grievance Redressal Cell Officer Second Appellate Officer, Banka respectively passed in encroachment case No.523110108102204614, 523110108102204614/ 1A and 523110108102204614/ 2A respectively whereby and whereunder all the concerned respondents have wrongly and manipulately, cited that the encroachment from encroached site i.e. thana no.38, holding no.392/116 Plot No.745 and Holding No.166, Plot No.143 situated under Mauza-Khajuri nature Dube Baba Sthal and Tal Pokhar respectively has been removed whereas the plots of land which fall under thana no.388, Mauza-Khajuri nature-Goraiya Pokhar of which cadastral survey khatiyan from Anchal Officer has completely destroyed and with this unavoidable reason no action in the way removing the encroachment from the said encroached site has been taken.

(iii) For directing the respondents to remove the encroachment from the public land in nature which has already been encroached by the public of the locality.

3. At this stage, learned counsel for the petitioner submits that the order under Section 6(1) of the Bihar Public Land Encroachment Act, 1950 has been served and the records which were produced for consideration were not considered by the authorities. He further submits that the petitioner may be



given liberty to prefer and appeal against the order under 6(1) to persuade the Appellate Authority, Banka to pass appropriate order in accordance with law.

4. On the other hand, learned counsel for the State does not dispute the factual position and submits that the petitioner may be granted liberty to file an appeal before the Appellate Authority, Banka, for adjudication of their grievances.

5. Considering the stand of the parties, this Court directs the petitioner to file an appeal before the Appellate Authority, Banka, within a period of two weeks from today, along with all supporting documents and revenue records which he propose to rely upon for adjudication of his grievances.

6. It is made clear that if such appeal is preferred by the petitioner within the stipulated period, status quo with regard to the subject property shall be maintained till final order is passed in the appeal.

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

(Ajit Kumar, J)

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