

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1862 of 2025

Md. Ismail Sah @ Ismail Sah Son of Rashid Sah Resident of Chhatargachh,
Police Station- Pothiya, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The Collector, Kishanganj.
3. The Sub- Divisional Officer, Kishanganj.
4. The Circle Officer, Pothiya Circle, Kishanganj.
5. The Anchal Amin, Pothiya Circle, Kishanganj.
6. The Station House Officer, Pothiya Police Station, Kishanganj.
7. The Chairman, District Board, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. D. Kumar, Government Pleader (14)

CORAM: HONOURABLE MR. JUSTICE VIKASH KUMAR

ORAL ORDER

2 06-07-2026 On repeated calls none appears for the petitioner.

Heard Mr. Durjyoti Kumar, learned GP 14 for the State.

2. The petitioner in the present writ application has
prayed for the following relief/reliefs :-

i. For issuance of a writ in the nature of certiorari for quashing the notice dated 04.12.2024 passed in Encroachment Case No. 04/2024-2025 Under Section 6 Sub Section (2) of Bihar Public Land Encroachment Act 1956 whereby and whereunder petitioner has been directed to remove the encroachment from Khata No. 215, 363 Thana No. 165 in Mauja Chhatargachh as after measurement of the said land order under Section 5 Sub Section (1) (c) has been passed under the Act for removing the encroachment within 10 days failing which coercive steps shall be taken under provision of Indian Penal Code.



ii. For issuance of any other relief/reliefs which may deem fit and proper to the facts and circumstances of the case.

3. The counter-affidavit dated 08.10.2025 is on record with service to the learned counsel for the petitioner on 09.10.2025. No rejoinder has been filed by the petitioner.

4. It has been submitted on behalf of the respondent that the petitioner fails to appear before the authority concerned in the proceeding of Encroachment Case No. 04 of 2024-2025, on repeated dates.

5. The land in question is public land and it appears that the encroachment proceeding has been concluded and on 09.02.2025 the encroachers were removed from the land in question.

6. The contention made by the respondents in their counter-affidavit is accepted.

7. Accordingly, the present writ application is disposed of with liberty to the petitioner to avail the alternative remedy of appeal if advised, under the provision of Section 11 of the Bihar Public Encroachment Act, 1956.

(Vikash Kumar, J)

Ashwin/-

U			
---	--	--	--

