

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.943 of 2026

Sakal Dev Sah S/o Late Sury Sah @ Lt Suruj Sah, R/o- Village - Hasanpur Balua, P.S.- Kundwa Chainpur, Circle- Dhaka, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Collector, Motihari, District East Champaran.
4. The Circle Officer, Dhaka, District East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Gupta, Adv.
: Mr. Harish Chandra Patel, Adv.
For the Respondent/s : Mr. Government Advocate (03)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 21-01-2026 1. The petitioner has filed the present writ application challenging the notice dated nil issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the Act), by which the Petitioner has been directed to remove the encroachment from the land bearing Thana No. 67, Khata No. 09, Khesra No. 1334/25, having an area of 1.45 decimal.
2. Learned counsel for the petitioner submits that the petitioner purchased a piece of land having Thana No. 67, Khata



No. 212, Khesra No. 1329 by virtue of a registered sale deed in 1994 where the pakka house has been constructed under the Pradhan Mantri Awas Yojana and the petitioner has been residing in the same along with his family members. The respondent/Circle Officer, Dhaka, East Champaran, without any measurement done in presence of the petitioner, called for the report and found encroachment upon the gairmajarua land to the extent of 6 feet in Khata No. 9, Khesra No. 1334 of 2025, Thana No. 67, having an area of 1.45 decimal. A notice under Section 3 of the Act was issued to the petitioner and the petitioner submitted his reply before the Circle Officer stating therein that petitioner has not encroached upon Khesra No. 1334 of 2025 and the land and house of the petitioner is situated about 7 feet away from the public road.

3. The measurement done by the Anchal Amin for the purpose of removal of encroachment showing 6 feet encroachment in the public land by the petitioner is completely without any basis and the petitioner was not given any opportunity to witness the measurement done by the Anchal Amin at the direction of the Circle Officer.

4. The petitioner was not given any notice regarding the date fixed in the encroachment case in question and without



hearing the petitioner, the final notice under Section 6(2) of the Act has been served directing for removal of encroachment from Plot No. 1334 of 2025. The final order in the encroachment case was passed behind the back of the petitioner and the petitioner has not been provided with the copy of the final order passed by the Circle Officer.

5. No one appears for the State.

6. Having heard learned counsel for the petitioner and taking into consideration that under Section 11 of the Act, there is a provision for an appeal, accordingly, the petitioner is given liberty to file an appeal before the Collector, East Champaran, against the final order/impugned notice dated nil within a period of one month from today. If such an appeal is filed by the petitioner, the Collector, East Champaran, is directed to call for the record of Encroachment Case No. 15/2025-26 and after hearing the petitioner and the concerned party, shall dispose the appeal within a period of four months from the date of filing of the appeal in accordance with law.

7. It is made clear that till the disposal of appeal, the operation of the impugned notice annexed at Annexure P/3 shall remain stayed and the respondents shall not take any steps for removal of encroachment on the disputed land.



8. With the aforesaid of direction and observation, the
present writ application is disposed.

(Anil Kumar Sinha, J)

HarshPandey/-

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