

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1165 of 2026

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1. Ajay Kumar Son of Rajendra Prasad, Resident of- Gopalbad, Dhanwan, Post- Gopalbad, P.S.- Sarmera, District- Nalanda.
 2. Arvind Prasad @ Arvind Kumar Singh, Son of Late Shiv Dayal Prasad, Resident of- Gopalbad, Dhanwan, Post- Gopalbad, P.S.- Sarmera, District- Nalanda.
 3. Achyut Nandan Prasad, Son of Late Nandlal Prasad, Resident of- Gopalbad, Dhanwan, Post- Gopalbad, P.S.- Sarmera, District- Nalanda.
 4. Indrajit Prasad, Son of Late Jagdish Prasad, Resident of- Gopalbad, Dhanwan, Post- Gopalbad, P.S.- Sarmera, District- Nalanda.
 5. Ajit Kumar @ Ranjit Prasad, Son of Late Gazo Prasad @ Gazo Mahto, Resident of- Gopalbad, Dhanwan, Post- Gopalbad, P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Patna, Bihar.
2. The Collector Cum District Magistrate, Nalanda.
3. The Additional Collector, Nalanda.
4. The Deputy Collector, Land Reforms, Nalanda.
5. The Circle Officer, Sarmera, District- Nalanda.
6. Ajay Kumar, Son of Arun Kumar Sinha, Resident of Gopalbad, Dhanwan, Post- Gopalbad, P.S.- Sarmera, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Dubey Mr.Sheshadri Kumari Mr.Kumar Gaurav Mr.Shashank Kashyap
For the State	:	Mr.Prashant Kumar, Ac to Sc5

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 13-03-2026 This case was mentioned today itself by the counsel for the petitioners that the Circle Officer, Sarmera, Nalanda, has passed an order holding these petitioners to be encroachers ignoring the rights, which are protected under law in favour of these petitioners and intends to proceed with the demolition, and therefore, on the urgent mentioning made by the counsel for the



petitioners, this case has been notified, and on notification, this case is being heard.

2. In the instant petition, petitioners have prayed for the following relief(s):-

“ (a) For issuance of a writ in the nature of Certiorari, or any other appropriate writ, order, or direction, quashing and setting aside the impugned order dated 10.09.2025 passed by Respondent No. 5, namely the Circle Officer, Sarmera, in Encroachment Case No. 02/2025-26, whereby the said Circle Officer has erroneously held the Petitioners to be encroachers upon the alleged land in question and has further directed removal of the alleged encroachment from the land comprised of: (i) Khata No. 485, Khesra No. 2849, measuring 225 sq. feet, pertaining to Petitioner No. 1; (ii) Khata No. 485, Khesra No. 2849, measuring 950 sq. feet, pertaining to Petitioner No. 2; (iii) Khata No. 485, Khesra No. 2849, measuring 225 sq. feet pertaining to Petitioner No. 3; (iii) Khata No. 485, Khesra No. 2849, measuring 575 sq. feet pertaining to Petitioner No. 4; and (iii) Khata No. 485, Khesra No. 2849, measuring 480 sq. feet pertaining to Petitioner No. 5; situate at Mauza-Kenar, Thana No. 70, within Circle Office Sarmera, District Nalanda.

(b) For the issuance of an appropriate writ, order, or direction, staying the operation and implementation of the impugned order dated 10.09.2025, passed by the Respondent No. 5 (Circle Officer, Sarmera, Nalanda) in Case No. 02/2025-26, during the pendency of the present writ application.

(c) For commanding the respondents to maintain status quo over the land in question till final disposal of the writ petition.

(d) For any other writ/writs for which petitioner may deem entitled to.”



3. Counsel for the petitioner submits that ignoring the fact that the Jamabandi was created since 1969-1970 in favour of the ancestors of these petitioners, the Circle Officer, Sarmera, has issued notice under Section-3 in Form-I under Bihar Public Land Encroachment Act, 1956 and final order under Section 6(1) of the Act, 1956 has been issued, and they propose to proceed for getting the land in question encroachment free.

4. It is next submitted that the petitioner against the order passed by the Circle Officer, Sarmera, dated 10.09.2025, proposes to file an appeal before the District Magistrate, Nalanda, so that the issues under dispute can be adjudicated by the District Magistrate, Nalanda, in reference to the revenue records, and necessary directions could be issued to the Circle Officer, Sarmera, for taking recourses as provided in law, insofar the Jamabandi which is standing in the name of the ancestors of these petitioners.

5. At this stage, counsel for the State submits that since there is a forum of appeal provided under Section 11 of Act, 1956, the petitioner may be directed to take such recourse, and on filing of such appeal, it would be incumbent upon the Appellate Authority to pass a final order after giving opportunity to these petitioners and other concerned officials



necessary to be heard in this case.

6. Counter affidavit on behalf of Respondent Nos. 3 to 5 has been filed during course of hearing, is kept on record and in view of the stand taken by the counsel for the State, the issues are being left open to be adjudicated by the Appellate Authority to pass necessary orders in reference to relevant records.

7. Considering the submission of the parties, this Court finds it appropriate to direct the petitioner to file an appeal before District Magistrate, Nalanda, within two weeks from today, and it is expected that District Magistrate, Nalanda, will give a detailed hearing to these petitioners, and the issues of jurisdiction in reference to Jamabandi, which is standing since 1969-1970 in favour of the ancestors of these petitioners, shall also to be addressed by the District Magistrate, Nalanda, and appropriate orders shall be passed on the appeal within a period of one month, till then *status quo* in respect of the land in question shall be maintained.

8. With the aforesaid directions, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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