

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1821 of 2025

1. Mahendra Ram @ Mahendra Rabidas S/o Late Ruplal Ravi Das, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
2. Jogendra Ram @ Jogendra Rabidas S/o Late Rup Lal Ravi Das, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
3. Harendra Paswan S/o Jugal Paswan, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
4. Balindra Ravidas S/o Late Rup Lal Ravi Das, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
5. Surendra Paswan S/o Jugal Paswan, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
6. Jitendra Kumar @ Jitendra Paswan S/o Jugal Paswan, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
7. Satendra Rabidas S/o Late Rup Lal Ravi Das, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
8. Jugal Paswan S/o Chandra Dev Paswan, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
9. Upendra Paswan S/o Jugal Paswan, Resident of Village- Baliganw (Gongra) P.S. Madanpur, District- Aurangabad.
10. Baliram Goswami S/o Bibeni Goswami, Resident of Village- Gongra (Baliganw) P.S. Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through District- Magistrate, Aurangabad.
2. Sub-Divisional Officer, Aurangabad.
3. The Deputy Collector Land Reforms, Aurangabad.
4. Circle Officer, Madanpur, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Panday, Advocate
	:	Mr. Navin Kumar Jha, Advocate
For the State	:	Mr. Raghwanand GA 11

CORAM: HONOURABLE MR. JUSTICE VIKASH KUMAR
ORAL ORDER

2 06-07-2026 Heard Sri Navin Kumar Jha, learned counsel for the
petitioners and Sri Raghwanand, learned GA 11 for the State.

2. In present writ application the petitioners have



prayed for the following reliefs:-

I. For issuance of an appropriate writ in the nature of certiorari for quashing the notices issued by circle Officer, Madanpur, District-Aurangabad on 16.12.2024 in encroachment case no.02/2024-25 for removing their Indira Awas houses which are situated in Mouza Gangra, Khata No. 75, Kheshra no. 01 Area 352 to 799 Sq. fit. in the name of petitioners (Contained in annexure 3 series)

II. For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities not to disturb the possession of petitioners residential houses in which they are residing about more than 70 years and on the same land their Indira Awas were constructed.

III. To grant any other relief/ reliefs to which the petitioners may be found entitled to in the facts circumstances of the case.

3. In present writ application the petitioners have challenged the notice dated 16.12.2024 issued by the Circle Officer, Madanpur, District Aurangabad in Encroachment Case No. 02/2024-25. A duly affidavited counter affidavit filed by respondent nos. 1 to 4 is on record. Paragraph 14 of the counter affidavit is reproduced hereinbelow:

“14. That it is humbly submitted that the proceeding of Encroachment Case No. 02/2024-25 was concluded by the Circle Officer, Madanpur, (Respondent no. 4 herein) after following the mandated provisions as laid down under Bihar Public Land Encroachment Act, 1956 and a final order u/s 6(1) of the Act was passed on dated 16.12.2024 declaring the petitioner as encroacher and thereafter all the encroachers (Petitioners herein) were noticed on Prapatra-II, under section 6(2) of the Act, with a direction to vacate the public land in question by 30.12.2024 otherwise legal action will be taken against them.”

4. No rejoinder has been filed by the petitioners against order dated 16.12.2024, passed in Encroachment Case No. 02/2024-25, the petitioners have an alternative remedy of



appeal under section 11 of the Bihar Public Land Encroachment Act, 1956.

5. Accordingly, the present writ application is disposed of with liberty to the petitioners to avail the alternative remedy of appeal under section 11 of the Bihar Public Land Encroachment Act, 1956.

(Vikash Kumar, J)

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