

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2282 of 2026

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Baleshwar Thakur Son of Baidhnath Thakur, Resident of Village- Ward No.08, Bairiya P.S- Keshariya District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, East Champaran at Motihari.
2. The Collector-Cum-District Magistrate, East Champaran at Motihari.
3. The Additional Collector, East Champaran at Motihari.
4. The Sub-Divisional Magistrate, Chakia, District- East Champaran at Motihari.
5. The Circle Officer, Anchal -Keshariya, District- East Champaran at Motihari.
6. The Halka Karamchari, Anchal-Keshariya, District- East Champaran at Motihari.
7. Nitish Kumar, S/o Raj Kishore Raut, Resident of Village- Ward No.07, Bairiya P.S- Keshariya District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Vikram, Advocate
For the Respondent/s : Mr. Ramadhar Singh, G P (25)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 14-05-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

I. For issuance of an appropriate writ/order or direction for setting aside the order dated 17.12.2025 passed in Encroachment case no.19/23-24 by the Respondent No.5 by which the Anchal Adhikari, Keshariya has been pleased to issue notice to the petitioner under Sub-Section (2) of section 6 of the Act stating therein that an order has been passed under sub-section(1) part (c) of



section 5 of the act for removal of an encroachment of an area of 5.5 decimals under plot no.2858 (Khata no.259) situated in Mauja- Bairiya P.S. Keshariya, District-East Champaran, as under sub section 5 of section 2 of the act the above land was found as public land fixing date-07.01.2026.

II. That the present writ application is being filed for issuance of an appropriate writ/ order or directions to the respondent's authorities not disturb the peaceful possession of the petitioner, as upon the said land the petitioner has constructed a pucca residential house and residing there with his family member and if the residential house is demolished the petitioner will be roofless.

III. That the present writ application is being filed for issuance of an appropriate writ / order or direction to the respondent authorities not disturb or demolish the residential house of the petitioner till the disposal of Encroachment Appeal Case No.130/2025 pending before the Learned Collector, East Champaran at Motihari, in the above appeal order dated 17.12.2025 is also under challenged.

IV. For any other relief or reliefs for which the petitioner is entitled for.

3. Learned counsel for the petitioner submits that the petitioner's residential land has been declared to be public land without issuance of notice under Section 6(2) of the Bihar Land Encroachment Act, 1956 (for brevity, the 'Act of 1956'). It has been contended that the petitioner has been residing over the said land since 1948 pursuant to a *bandobasti* dated 16.03.1948 and that several revenue records establish the petitioner's entitlement to remain in possession thereof. However, ignoring



the aforesaid revenue records and without considering the same, a proceeding under the Act of 1956, has been initiated against the petitioner and final order has been passed and without supplying the copy of the final order, straightaway notice under Section 6(2) of the Act of 1956 has been issued directing these petitioners to vacate the land and the petitioner is said to have filed an appeal being Encroachment Appeal No.130 of 2025 as against the notice issued under Section 6(2) dated 17.12.2025, which is still pending before the appellate authority.

4. On the other hand, learned counsel for the State submits that he would take instructions as to what procedures were adopted before issuing Annexure-P/8 dated 17.12.2025 and with regard to status of decisions taken in Encroachment Appeal No.130 of 2025, he would seek instructions and file appropriate affidavit bringing on record the status of the said appeal.

5. Considering the stand of the parties, this Court directs the appellate authority to decide the Encroachment Appeal No.130 of 2025, which is pending before the learned Collector-cum-District Magistrate, East Champaran at Motihari, within a period of two months from today and till final orders are recorded in the said encroachment appeal, no coercive steps



shall be taken against this petitioner.

6. Needless to say that this appellant, who has preferred Encroachment Appeal No.130 of 2025, they will be given opportunity of personal hearing and after verifying the revenue records and as also the stand taken in the said appeal, necessary orders shall be passed in accordance with law.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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