

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3031 of 2026**

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Mangnu Paswan Son of Late Jeewachh Paswan, Resident of Village- Parbatta,  
P.O.- Belthri, P.S.- Ghanshyampur, Anchal- Gaurabauram, District-  
Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Darbhanga.
3. The Deputy Collector, Land Reforms, Biraul, District- Darbhanga.
4. The Sub-divisional Officer, Biraul, District- Darbhanga.
5. The Circle Officer, Anchal- Gaurabauram, District- Darbhanga.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate  
For the Respondent/s : Mr. Government Pleader (27)

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**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      17-06-2026                      Heard learned counsel for the petitioner and learned  
counsel for the State.

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

*i) To issue a writ of certiorari, setting aside  
the notices (Prapatra-1) dated 24.12.2025 in  
Encroachment Case No. 11/2025-26, issued by  
Circle Officer, Gaurabauram (Respondent No.5),  
stating therein encroachment was found made the  
by petitioner on government land of below  
descriptions U/S 2 of sub-Section (3) of Bihar  
Public Land Encroachment Act, 1956 (Bihar Act*



*XV of 1956), hence ensure your presence before him on 16.01.2026 at 11:30 A.M. and show cause why not such encroachment will be removed; without containing any letter/memo number and without examining the factual aspect that land in question was recorded in father's name of petitioner namely, Thako Paswan in Khatiyan and petitioner has paying land revenue continuously and regularly.*

*ii) To issue a writ of Mandamus, commanding and directing the Respondent authority concerned, not to disturb the peaceful possession of the petitioner over his raiyati land appertaining to Khata No. 380 Kheshra No. 2040, 2025 total area 12 decimals upon which petitioner alongwith his family has been residing since long peacefully without there being any hindrance and hurdle.*

*iii) Any other relief or reliefs for which the petitioner is found entitled, to in facts and circumstances of case.*

3. Learned counsel for the petitioner submits that an encroachment proceeding is said to have been initiated vide encroachment case No.11/2025-26 by Circle Officer, Gaurabauram, and without passing any final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, and handing over the same to them, though the response as against the notice issued under Section 3 of the Bihar Public Land Encroachment Act, 1956, were submitted, the Circle Officer, Gaurabauram, straightaway has issued notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956, for



demolition of the residential structure which has been erected by this petitioner in which they are residing for the last several decades and without looking to the revenue records, the petitioner is being sought to be removed from their place.

4. It has next been submitted that even measurement appeal, which has been preferred by this petitioner to demarcate the land so as to identify the extent of encroachment, as has been alleged by the authorities, without undertaking the measurement process, are being forced by the respondents to evict the land in question bearing Khata No.380 Khesra No.2040, 2025 total area 12 decimals.

5. It is made clear that if order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has been passed, the copy of the same shall be handed over to this petitioner to avail the alternate remedy by filing appeal before the Collector, Darbhanga.

6. Learned counsel for the petitioner is directed to file appeal against the order passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, within a period of two weeks along with all supportive materials, including the revenue records which the petitioner proposes to place before appellate authority for consideration of his claim.



7. In case such appeal is filed within the stipulated period, no coercive steps shall be taken till final order is passed in the said appeal.

8. Accordingly, the writ petition stands disposed of.

**(Ajit Kumar, J)**

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