

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4610 of 2026

Mantu Bajpeyee Son of Late Ram Narayan Bajpeyee, R/V-Chauhandih/Bajpeyeeidih (Ghanberiya), P.O.-Bhour, P.S.-Khaira, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Old Secretariat, P.O.-Sachivalay, P.S.-Sachivalay, District-Patna.
2. The Additional Chief Secretary, Land Reforms Department, Govt. of Bihar, Patna, At-Vikash Bhawan, P.S.-Rajbanshi Nagar, District-Patna.
3. The Divisional Commissioner, Munger, At and P.O.-Munger Fort, P.S.-Kotwali, District-Munger.
4. The District Magistrate, Jamui, At and P.O. and P.S. and District-Jamui.
5. The Circle Officer, Khaira, At and P.O. and P.S.-Khaira, District-Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Respondent/s : Mr.Addl. Advocate General (03)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-05-2026 Heard learned counsel for the petitioners and
learned counsel for the respondents.

2. The writ petition has been preferred for the following reliefs.

“i. For quashing the impugned order dt.2-05-2025 passed by the Circle Officer, Khaira (Resp. No.5) whereby the petitioner has been directed to remove the encroachment / residential house Situated at Mauja- Ghanberiya, Thana No.77, P.S.- Khaira District- Jamui bearing Khata No.408, Khesara No.1270 Area- 1.5 Decimals under section 6(i) of the Bihar Public Land Encroachment Act, 1956 in Encroachment Case No.4/18-19 without final hearing to the petitioner and without considering the



fact that earlier the then circle officer submitted report dt.17.11.17 before the Sub- Divisional Public Grievance Redressal Officer, Jamui in which he has reported that the house of the petitioner has not come under encroachment but the next circle officer again started encroachment case No.4/18-19 which is review for which he has no jurisdiction as such the impugned notice is not sustainable in the eye of law and fit to be set aside.

ii. Further for quashing the impugned order dt.9.01.2026 passed by the District Magistrate /Collector, Jamui in Encroachment Case No.01/2025-26 whereby and whereunder the appeal filed by the petitioner against the order dt.2.05.2025 passed by circle officer, Khaira in Encroachment Case No.4/2018-19 without considering the ground raised in the memo of appeal.

iii. Further to restrain the circle officer for demolition of residential house of the petitioner and not to take any coercive step against the petitioner.

iv. During pendency of this petition the impugned notice may be stayed.

v. To grant any other relief for which the petitioners are entitle to get in the eye of law.

3. Learned counsel for the petitioner submits that neither the Circle Officer, Khaira in the encroachment proceeding nor the appellate authority in Encroachment Appeal Case No. 01/2025-26 considered the revenue records produced by the petitioner in support of his claim. It is submitted that ignoring the said materials on record, final orders were passed against the petitioner with respect to the house standing over the land in question. It is further submitted that the land is raiyati land and purely private in nature, over which Jamabandi is going on in



respect of Khata No.408, Khesara No.1270 measuring an area of 1.5 decimals. Against the order passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act”).

4. It is the case of the petitioner that the response filed by the petitioner along with the relevant revenue records has not been duly considered and, therefore, the petitioner seeks permission to file a review before the Collector-cum-District Magistrate, Jamui, by re-agitating the issues with reference to the revenue records maintained in the revenue office.

3. In view of the above, the petitioner is directed to file a review before the Collector, Jamui in accordance with the provisions of the Act within a period of two weeks from today.

4. It is made clear that once such review is filed within the aforesaid time, *status quo* shall be maintained till adjudication of the said review and further action shall be taken in terms of the order passed in the encroachment review.

5. With the aforesaid observations and directions, the writ application stands disposed.

(Ajit Kumar, J)

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