

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7507 of 2026

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Shambhu Sah Son of Late Mangal Sah, Resident of Village- Hardiya, Ward
No. 31, P.S.- Raghunathpur, Anchal- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Development Department, Bihar, Patna.
2. The District Magistrate, Motihari, East Champaran.
3. The Chief Engineer, North, Road Construction Department, Bihar, Patna.
4. The Executive Engineer, Road Division, Motihari, East Champaran.
5. The Circle Officer, Turkauliya, East Champaran.
6. The Amin, Road Division, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Respondent/s : Mr. Sheo Shankar Pd, Standing Counsel (8)

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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 instant writ application has been filed seeking a direction upon respondent authorities nos. 2 to 6 to stay the operation of the order dated 20.03.2026 passed by the Collector-cum-District Magistrate, East Champaran, Motihari in Encroachment Appeal Case No. 135/2025-26, whereby the District Magistrate directed respondent no. 5 to ensure removal of the encroachment in accordance with law at the earliest. In pursuance thereof, respondent no. 5 issued Letter No. 227 dated 28.04.2026 fixing 11.05.2026 for removal of the alleged encroachment. The petitioner seeks postponement of the operation of the aforesaid orders till final adjudication of the present writ application. It is further submitted that, as per the Amin report and rent receipts in



respect of Jamabandi No. 1497, Khata No. 336, Khesra No. 1342, measuring an area of 6 decimals, the land stands recorded in the name of the petitioner, over which the petitioner's residential house has been existing for several years.

3. Learned counsel for the petitioner submits that neither the Circle Officer, Turkauliya, East Champaran in the encroachment proceeding nor the appellate authority in Encroachment Appeal Case No. 135/2025-26 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, which is stated to have existed prior to the acquisition made during the year 1969-70 for construction of the road passing through Khesra No. 1342. It is further submitted that the land is raiyati land and purely private in nature, over which Jamabandi No. 1497 has been created in respect of Khata No. 336, Khesra No. 1342, measuring an area of 6 decimals. Against the order passed under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as "the Act"), the petitioner preferred an appeal, which was dismissed vide order dated 20.03.2026 passed by the learned Collector directing removal of the petitioner from the said land.

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, East Champaran, Motihari 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, East Champaran, Motihari 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, 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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