

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8678 of 2026

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Sita Ram Singh Son of Late Dinkar Singh Resident of Village- Bishanpur
Beri, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Deputy Collector Land Reforms, Samastipur.
4. The Circle Officer, Mohiuddin Nagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar
For the Respondent/s : Standing Counsel (15)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-06-2026 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The instant writ application has been filed for quashing the order dated 21.06.2022 passed in Encroachment Case No.07/2021-22, the appellate order dated 28.08.2025 passed by the District Magistrate, Samastipur in Encroachment Appeal No.137/2022-23, and the consequential demolition notice issued vide Memo No.1024 dated 10.06.2026, as being illegal, arbitrary and unsustainable in law, inasmuch as the same proceeds on the erroneous assumption that the petitioner's residential dwelling house exists over Plot No.714, whereas the petitioner specifically asserts that his dwelling house stands over



Plot No.721 and that the impugned finding is founded upon a defective and disputed demarcation conducted behind his back.

2. Learned counsel for the petitioner submits that the petitioner belongs to a poor agrarian family and is a landless person. His residential dwelling house has been standing over the disputed land for more than 80 years and is the only shelter available to him and his family members. He further submits that Encroachment Case No.07/2021-22 was initiated under the Bihar Public Land Encroachment Act on the basis of certain complaints lodged by co-villagers. It is further submitted that notice under Section 3 of the Act was issued to the petitioner, to which he duly responded. However, without properly considering his claim regarding measurement of the land in question so as to ascertain the actual possession and the extent of alleged encroachment, the authorities proceeded in the matter. Learned counsel submits that till date no measurement report has been made available to the petitioner, thereby depriving him of an opportunity to avail appropriate remedies as provided under law.

3. It is the case of the petitioner that the authorities be directed to provide the measurement record so that appropriate steps may be taken by him in accordance with law. It has further



been alleged that the measurement, which is said to have been conducted by the authorities, was carried out behind the back of the petitioner.

4. At this stage, learned counsel for the State submits that the measurement report shall be made available to the petitioner within one week from today and, in case the petitioner finds any ambiguity in the measurement report, he shall be at liberty to take appropriate steps in accordance with law.

5. In response to the aforesaid submission, learned counsel for the petitioner submits that once the measurement report is provided to the petitioner, he shall prefer a review application before the Collector, Samastipur, for redressal of his grievances by the competent revenue authority.

6. In view of the submissions advanced on behalf of the parties, this Court directs the petitioner to file a review application within a period of two weeks from the date of receipt of the measurement report before the Collector, Samastipur, enclosing all supporting materials along with a copy of this order. Upon receipt of the same, the Collector, Samastipur shall consider and decide the claim of the petitioner in accordance with law with reference to the relevant revenue records, after providing adequate opportunity of hearing to the



petitioner. In the event, the revenue records support the claim of the petitioner, appropriate consequential orders shall be passed and communicated to him. Even otherwise, all materials and records forming the basis of the order passed in the review proceeding shall be made available to the petitioner to ventilate his grievances and as also to enable him to avail appropriate remedies in accordance with law.

7. Needless to say, if the review application is filed within the aforesaid period of two weeks from the date of receipt of the measurement report, status quo with regard to the subject property shall be maintained till final disposal of the review application filed against Encroachment Appeal No.137/2022-23, as on today.

8. With the aforesaid observations and directions, the instant writ application stands disposed of.

(Ajit Kumar, J)

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