

Ram Lagan Prasad @ Ram Lagan Chauhan Son of Late Dhanpat Prasad,
Resident of House No. 47, Village- Mahamada, P.O.- Kuseri, Dumri, Kusheri,
Sheikhpura, Bihar.

Versus

1. The State Of Bihar
2. The Joint Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Deputy Collector, Sheikhpura.
4. The Deputy Collector Land Reforms, Munger, Bihar.
5. The Sub Divisional Public Grievance Redressal Authority, Sheikhpura.
6. The Circle Officer, Barbigha.
7. The Officer on Special Duty Vigilance In-Charge, Revenue and Land Reforms Department, Government o

Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Advocate
For the State : Mr. Rishi Raj Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2026 Heard Mr. Kunal Tiwary, learned counsel for the
petitioner and Mr. Manoj Kumar Sinha, learned AC to SC-19
representing the State.

2. The present petition has been preferred for the grant of following relief(s):

“(i) for issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for setting aside the



order dated 26.09.2016 issued by the Sub-Divisional Public Grievance Redressal Authority, Sheikhpura who have recommended for cancellation of the Jamabandi of the petitioner on the land having Khata No. 48, Khesra No. 63 without issuing notice to the petitioner or without making any inquiry with regard to the genuineness of the complaint made against the petitioner with regard to the said land.

(ii) for issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for setting aside the notice dated 01.09.2018 issued under the signature of Circle Officer, Barbiga who have initiated proceeding against the petitioner under Bihar Public Land Encroachment Act, 1956 by issuing notice under section 3 of the Act without cancellation of the Jamabandi issued in favour of the petitioner on the land in question.

(iii) for any other relief/reliefs for which the petitioner is entitled to.”



3. The matter relates to a piece of land having Khata No. 48, Khesra No. 63 (area 6 decimal) in the village-Mahmada, Sheikhpura. Jamabandi was created with regard to the said land and the family is enjoying the fruits of the said land since last several decades.

4. Subsequently, three sealed envelopes arrived at the desk of Sub-Divisional Public Grievance Redressal Officer, Sheikhpura, complaining that on a 'gair-majarua' land, the petitioner has constructed a building causing problem to the villagers as the rain water are now entering their houses.

5. The matter was taken up by the Sub-Divisional Public Grievance Redressal Officer, Sheikhpura, on 26.09.2016 wherein he took note of the fact that three signatories to the petitions, namely, Umesh Chauhan, Ashok Chauhan and Sudama Kumar informed that they have only signed the document but do not know its content as also reply of the Circle Officer, Barbigha, wherein it was informed that the petitioner is having 'Jamabandi' of the said land and steps have been taken to recommend the cancellation of the said 'Jamabandi' before the Additional Collector, Sheikhpura.

6. Accordingly, the concerned officer directed the Circle Officer to act with regard to the cancellation of



‘Jamabandi’ as also removal of encroachment in accordance with law (Annexure-4 to the petition).

7. Further, the case of the petitioner is that two years later, suddenly he received a notice relating to encroachment case no. 04 of 2018-19 (Annexure-5 to the petition) for removal of encroachment. A prompt reply was given (Annexure-7 to the petition) duly received on 07.09.2018 by the office in which he detailed out the entire facts and further informed that until the ‘Jamabandi’ is continuing in their name, the encroachment proceeding cannot be initiated.

8. The contention of the petitioner is that though no further step was taken by the Circle Officer, Barbigha after the notice issued by him, apprehending the forceful eviction in the garb of encroachment drive, the writ petition was filed.

9. Two copies of the writ petition were served upon the learned State counsel in the year 2018 before it was filed. Today, on call and on the point raised by the petitioner that without the cancellation of ‘Jamabandi’, encroachment proceeding cannot be initiated, instead of providing proper reply, it has been informed by learned State counsel that no instruction has been received.

10. The Public Grievance Redressal Officer,



Sheikhpura in his order dated 26.09.2016 had taken note of the contention of the Circle Officer, Barbigha that they are taking steps for recommending cancellation of 'Jamabandi' before the Additional Collector, Sheikhpura. However, there is nothing on record to show whether any step was taken for the said recommendation before the encroachment proceeding was initiated in the year 2018.

11. Learned counsel for the petitioner submits that he has received only one notice i.e. the matter relating to encroachment proceeding and no other notice relating to 'Jamabandi' cancellation has been received.

12. As recorded above, two copies were served eight years ago, there is no reply of the respondents. The contention of the petitioner has to be taken into account that when the 'Jamabandi' is running in his name, unless the same comes to an end in accordance with law, no encroachment proceeding can be initiated.

13. Accepting the contention of the petitioner that no recommendation for 'Jamabandi' cancellation has been made to the Additional Collector, Sheikhpura nor he has received any notice coupled with the fact that the State respondents have failed to file any reply, the **Encroachment proceeding no. 04 of**



2018-19 (Annexure-5) stands quashed.

14. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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