

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19767 of 2025

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Mithilesh Kumar Choudhary Son of Digambar Chaudhary, Resident of House
No. B-92, Kankarbagh Housing Colony, P.S. Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Darbhanga.
3. The Deputy Collector Land Reforms, Darbhanga.
4. The Circle Officer, Kusheshwar Sthan, Darbhanga.
5. Jiwach Jha, Son of Late Ramroop Jha, Village Haruali, Kusheshwar Sthan, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suryakant Kumar, Advocate
For the Respondent/s : Mr. Government Pleader (03)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 21-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*“For issuance of appropriate writ/writs,
order / orders, direction / directions to the
respondent No. 2 to dispose of Land Encroachment
Appeal No. 06 of 2024 (Mithilesh Kumar
Chaudhary Vs. Anchal Adhikari Kusheshwar
Asthan and Another) filed on 13-01-2024 and for
any other relief/s for which the petitioner is found*



to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that against the order passed by the Circle Officer, Kusheshwar Sthan, Darbhanga in Encroachment Case No. 42 of 2022-2023, the petitioner is said to have filed an appeal under Section 11 of Bihar Public Land Encroachment Act, 1956 on 13.01.2024.

4. It is the case of the petitioner that during pendency of the appeal, the Circle Officer, Kusheshwar Sthan, Darbhanga, is threatening to evacuate this petitioner from the land in question for which the petitioner has preferred an appeal and for unexplained reason, the said appeal is not being adjudicated by the District Magistrate, Darbhanga.

5. On the other hand, learned counsel for the State submits that since an appeal bearing Land Encroachment Appeal No. 06 of 2024 filed by the petitioner is already pending before the District Magistrate, Darbhanga, an appropriate direction may be issued to the appellate authority for adjudicating the same by framing a timeline.

6. Considering the submissions of the parties, this Court finds it appropriate to direct the District Magistrate, Darbhanga to adjudicate the said appeal within a period of six



weeks from the date of receipt/production of this order, if the same has not yet been adjudicated till date. The orders so passed shall be communicated to the petitioner after the disposal of the case.

7. Meanwhile, *status quo* in connection with Encroachment Case No. 42 of 2022-202, shall be maintained till the adjudication of the Encroachment Appeal pending before the Appellate Authority.

8. Accordingly the writ petition is disposed of in above terms.

(Ajit Kumar, J)

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