

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.348 of 2025

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1. Awadhesh Kumar Mishra Son of Late Maheshwar Mishra, Resident of Ward No. 06, Lakshmipur Pator, P.S.- Pator, District- Darbhanga.
 2. Amresh Mishra @ Amresh Kumar Mishra, Son of Late Maheshwar Mishra, Resident of Ward No. 06, Lakshmipur Pator, P.S.- Pator, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Land Revenue Department, Bihar.
2. The District Magistrate, Dharbhanga.
3. The Circle Officer, Hayaghat, Dharbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Advocate Mr. S.M. Shudhanshu, Advocate Mr. Sanjay Kumar Tiwari
For the Respondent/state :		Mr. Subhash Pd Singh, Government Advocate (3) Mr. Dilip Kumar, AC to GA 3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-02-2026 1. Learned counsel for the petitioners submits that petitioners purchased a piece of land, details of which are mentioned in paragraph nos. 4 & 5 of the writ application by virtue of sale deed dated 28.02.1989. After purchase of the land in question they constructed their residential house. An encroachment case was initiated against the petitioners bearing Encroachment Case No. 1001 / 2024-25 and notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 (for short “Land Encroachment Act”) was served upon the petitioners. The petitioners submitted their reply / objection to



the Circle Officer, Hayaghat, Darbhanga but no final order has been passed by the Circle Officer, Hayaghat, Darbhanga. It has also been submitted that officials from the respondent authorities arrived at the plot in question and threatened the petitioners that their structure / houses would be demolished. Accordingly, submission is that without considering the objection and without passing final order under Section 6(2) of the Land Encroachment Act, the authorities are not permitted to demolish the structure of the petitioners.

2. On the other hand, learned counsel for the State submits that final order has not yet been passed and the authorities are duty bound to consider the objection / explanation and shall pass final order in accordance with law within a reasonable time frame.

3. Having heard learned counsel for the parties, considering the nature of dispute and the fact that final order in Encroachment Case No. 1001 / 2024-25 lodged against the petitioners has not been passed by the respondent no. 3 -Circle Officer, Hayaghat, Darbhanga, accordingly, this writ application is disposed with a direction to the Circle Officer, Hayaghat, Darbhanga to pass final order in accordance with law after giving opportunity of hearing to the petitioners and all



concerned within a reasonable time frame.

4. It is made clear that till final order is passed in Encroachment Case No. 1001 / 2024-25 , no steps shall be taken by the respondent authorities for demolition of the houses / structures of the petitioners.

(Anil Kumar Sinha, J)

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