

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20357 of 2025

1. Arjun Paswan@Arjun Ram Son of Late Ramkrit Paswan@Ramkrit Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
2. Ashok Paswan @ Ashok Kumar, Son of Bishnu Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
3. Bahadur Ram, Son of Dashai Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
4. Kunti Devi, Wife of Brij Nandan Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
5. Manju Devi, Wife of Dipak Paswan Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
6. Chaitu Ram, Son of Late Thakuri Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
7. Radha Krishna Prasad, Son of Bishnu Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
8. Prasid Ram, Son of Bangali Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
9. Baijnath Prasad, Son of Satyadew Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
10. Santosh Paswan, Fathers name Sahid Ram @ Saheb Paswan Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
11. Sudarsan Paswan, Son of Gaunori Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
12. Bhim Kumar, Son of Krit Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
13. Yogendra Ram, Son of Ramadhar Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).
14. Yamuna Paswan, Son of Sri Ram Resident of Village- Khutahan, P.O.- Dihra, P.S. - Obra, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector, Aurangabad, District- Aurangabad (Bihar).
3. The Deputy Developmenty Commissioner Cum Chief Executive Officer, District Board, Aurangabad, District - Aurangabad (Bihar).
4. The Sub Divisional Officer, Daudnagar, Aurangabad (Bihar).
5. The Executive Engineer, Public Works Department, Sub Division - Daudnagar, Aurangabad (Bihar).
6. The Block Development Officer, Obra, District- Aurangabad (Bihar).



7. The Circle Officer, Obra, District - Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate
For the Respondent/s : Mr. Government Advocate 5

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-05-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

I. For setting aside the Notices issued under Section 3 of the Bihar Public Land Encroachment Act, 1956 issued by the Circle Officer in Encroachment Case No.01 of 2023-24 by which the Petitioners have been directed to submit their show cause as to why they shall not be treated as encroachers and further why the said encroachment should not be removed, without considering the possession of the Petitioners having more than 30 years.

II. For directing the Respondent Authorities especially Circle Officer, Obra, Aurangabad to drop the proceeding of Land Encroachment Case No.01 of 2023-24 in view of the previous adjudication made by the Magistrate Ist Class, Aurangabad in Case No.29 L.B. of 1962/162 of 1963 which was initiated on the instance of State (District Board) against the ancestors of the Petitioners for removal of the encroachment which was dismissed vide Order dated 26.12.1962 and since then no claim has been made the State of Bihar against the possession of the Petitioners, creating bar to initiate a



proceeding for removal of encroachment after lapse of more than 60 years.

III. For directing the Respondent Authorities not to take adverse action against the Petitioners who have constructed their residential house by the Government Aid itself given by the Respondent Authorities under Premier Minister Awaas Yojana Grameen and issued electricity connection to the Petitioners which amounts to acceptance of their Raiyati Right over the land in question having long standing possession over the land in question.

IV. In alternate to the aforesaid relief the Petitioners pray before this Hon'ble Court for issuance of writ in the nature of mandamus directing the Respondent Authorities for settlement of land in question by treating them as a landless person under the category of Privileged Persons in view of the Government Circular dated 11.11.2014 issued by the Revenue and Land Reforms Department, Government of Bihar; by which direction and procedure has been provided to the Government Officials to decide the dispute regarding Raiyati Right of the citizen over the Government Land /Gair Mazarua Malik Land / Bakast Land.

V. For directing the Respondent Authorities to provide proper opportunity of hearing to the Petitioner before taking final decision on the issues involved in the present dispute for which the Petitioners are ready to cooperate with the Respondent Authorities and shall produce the relevant evidence in support of their claim before them.

3. Learned counsel for the petitioner submits that final order has been recorded in Encroachment Case No.01 of 2023-



24 and copy of the order has been settled to this petitioner against which statutory appeal provided under Bihar Land Encroachment Act, 1956, proposes to file an appeal within a period of one week and till then, seeks interim protection.

4. On the other hand, learned counsel for the State, submits that since there is a forum of appeal provided under the statute and final order in the original proceeding has been passed by the Circle Officer, Obra, Aurangabad, such protection may be granted till filing of the statutory appeal.

5. Considering the stand of the parties, this Court directs the petitioner to file statutory appeal within a period of one week from today and if such appeal is filed before the Collector, in such event, no coercive steps shall be taken in respect of this petitioner till the adjudication of the appeal.

6. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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