

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20528 of 2025

Prabhu Prasad Son of Late Ganesh Sah @ Chhotelal Prasad, Resident of Ward No. 10, Kawal Pur, P.S- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Revenue and Land Reforms, Patna.
2. The District Magistrate, East Champaran.
3. The Circle Officer, Sugauli, East Champaran.
4. The Circle Amin, Sugauli, East Champaran.
5. The SHO, Sugauli, East Champaran.
6. Sheo Pujan Patel, Son of Gagandeo Patel, Resident of Vill- Belahait, Ward no.-2, P.S.- Sugauli, District- East Champaran.
7. Suresh Patel, Son of Late Deo Narain Patel, Resident of Vill- Belahait, Ward no.-2, P.S.- Sugauli, District- East Champaran.
8. Jitendra Patel, Son of Late Deo Narain Patel, Resident of Vill- Belahait, Ward no.-2, P.S.- Sugauli, District- East Champaran.
9. Jai Kishor Patel, Son of Late Deo Narain Patel, Resident of Vill- Belahait, Ward no.-2, P.S.- Sugauli, District- East Champaran.
10. Mukesh Patel, Son of Late Deo Narain Patel, Resident of Vill- Belahait, Ward no.-2, P.S.- Sugauli, District- East Champaran.
11. Mohan Mahto, Son of Ramdatt Mahto, Resident of Vill- Belahait, Ward no.-2, P.S.- Sugauli, District- East Champaran.
12. Baij Nath Mahto, Son of Bachhu Mahto, Resident of Vill- Belahait, Ward no.-2, P.S.- Sugauli, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Rathore, Advocate
For the Respondent/s	:	Mr. Standing Counsel (10)
		Mr. Binay Kumar, AC to SC-10

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-07-2026 Heard learned counsel for the petitioner and learned counsel for the respondent.

2. In view of the statement made, in application dated 15.12.2025, the defect No.17 is hereby ignored.



3. The instant writ petition has been filed for the following relief(s) :-

(i) For issuance of an appropriate writ for direction to respondent No. 3 to conclude the proceeding of Encroachment Case No. 08/2025-26 after conducting a measurement process in presence of the petitioner and then after pass any final order.

(ii) For issuance of an appropriate writ for direction to respondent No. 03 in regard to conclude the proceeding of Encroachment Case No.08/2025-26 till measurement of the land in question.

(iii) For that the respondent no- 6 to 12 have got no any right and title to encroached public land and they are liable to be removed from the encroached land of public use/ public road.

(iv) For issuance of any other appropriate writ/writs, order/orders, direction/directions, relief /reliefs as your Lordship may deem fit and proper in the facts and circumstances of the case.

4. Learned counsel for the petitioner submits that the land pertaining to Khata No. 277, Khesara No.819, Thana No.37, is a public land and appropriate encroachment



proceeding bearing Encroachment Case No. 08/2025-26 has already been initiated. Notices to all concerned under Section 3 of Bihar Public Land Encroachment Act, 1956 (in short 'Act 1956') have been issued but the proceeding so drawn by the Circle Officer Sugauli, East Champaran vide Encroachment Case No. 08/2025-26, has not been completed.

5. On the other hand, learned counsel for the State submits that the proceedings have been drawn. Notices under Section 3 of Act 1956 have been issued. Appropriate directions may be issued to Circle Officer to conclude the same within the statutory period prescribed under the Act, 1956.

6. Considering the stand of the parties, petitioner is directed to make a fresh representation along with the copy of this order to the Circle Officer within a period of three weeks from today. Once, such application is filed, it is made clear that Circle Officer shall take steps to conclude the encroachment proceeding drawn vide Encroachment Case No. 08/2025-26 after giving due hearing to all concerned and seeking response of the alleged encroachers, final order shall be passed in reference to the revenue records maintained in the office. Once, it is found that the land in question is public land, as defined under Section 3 of the Act, 1956, and that it is under



encroachment, the same shall be made encroachment-free within the statutory period prescribed under the Act, 1956.

7. With the aforesaid observations and directions, the instant writ petition stands disposed of.

(Ajit Kumar, J)

rajan/-

U			
---	--	--	--

