

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20293 of 2025

Intejar Ahmad, Son of Late Abdul Haque, Resident of Village-Mohammadpur, P.O. Barashankar, P.S. Patahi, District- East Champaran, Bihar-845457.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran, Bihar.
3. The Sub Divisional Officer, Sub Division- Pakaridayal, P.S. Patahi, District-East Champaran, Bihar.
4. The Circle Officer, Patahi, East Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vikas Ratan Bharti, Advocate Mr. Zaki Haider, Advocate Mr. Deepak Kumar, Advocate Mr. Kumar Abhishek, Advocate
For the State	:	Ms. Anuradha Singh, SC-21

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-01-2026 Heard learned counsel for the parties concerned.

2. The petitioner has filed the present writ application for quashing the final notice dated 01.12.2025 issued by the Circle Officer, Patahi, East Champaran, in Encroachment Case No. 02/2021-22 directing the petitioner to remove encroachment from the public land situated in village Barashankar, Thana No. 171, P.S-Patahi, District, East Champaran, having Khata No. 460, Plot No. 2894, 2813, 2893, and 2893, with areas of 7.7



decimal, 0.8 decimal, and 7.3 decimal, respectively.

3. Learned counsel for the petitioner submits that the petitioner, along with his family members, is the owner of the land in question, which was settled by the original landlord, namely, late Abdul Haque, in favour of the father of the petitioner. The jamabandi of the land was created in the year 1964 in the name of petitioner's father, having jamabandi no. 1245, the rent receipt is being paid since 1964-65. A notice under Section 3 of the Bihar Public Land Encroachment Act was issued on 07.04.2025 in Encroachment Case No. 02/2021-22, and in response thereto, the petitioner submitted his reply dated 25.04.2025, taking the stand that the land in question is not the public land and is a rayati land for which jamabandi was created in favour of the petitioner's father long back in 1964. Suddenly, the petitioner was served with the impugned final notice under Section 6(2) dated 01.12.2025, by which the petitioner has been declared an encroacher and has been directed to vacate the land in question.

4. Learned counsel for the petitioner further submits that the residential house of the petitioner is situated on the subject land in which he is residing along with his family members. Before issuance of the impugned final notice, no



opportunity was ever given to the petitioner to appear and place his case before the Circle Officer, and the final order has been passed behind the back of the petitioner in violation of the principle of natural justice. Even a copy of the final order has not been made available to the petitioner by the concerned respondent.

5. Learned counsel for the State submits that final notice is appealable before the Collector under Section 11 of the Bihar Public Land Encroachment Act; the petitioner can avail the remedy of appeal before the Collector.

6. Considering the submissions made by the parties and the fact that final notice under Section 6(2) has been served upon the petitioner, the present writ application is disposed with liberty to the petitioner to challenge the final order and/or final notice dated 01.12.2025 before the Collector of East Champaran, Motihari, and if such an appeal is filed by the petitioner, the District Collector shall call for the record of Encroachment Case No. 02/2021-22 and shall pass a reasoned/speaking order after giving a personal hearing to the petitioner within a reasonable time frame.

7. It is made clear that till the appeal is disposed by the District Collector, East Champaran, Motihari, the operation



of the impugned notice dated 02/2021-22 at Annexure 5 shall remain stayed, and the petitioner shall not be removed from the land in question.

8. Accordingly, with the aforesaid direction, the present application stands disposed of.

(Anil Kumar Sinha, J)

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