

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20957 of 2025

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Biteshwar Pandey Son of Late Ram Janam Pandey Resident of Village-
Panditpur, P.S.- Badhara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department,
State of Bihar, Patna.
3. The District Magistrate cum Collector, Bhojpur.
4. The Circle Officer, Badhara, Bhojpur.
5. The Anchal Amin, Circle Office, Badhara, Bhojpur.
6. Sri Jitendra Kumar Pandey, Son of Sri Ram Pandey Resident of Village-
Panditpur, P.O.- Dumaria, P.S.- Badhara, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Respondent/s : Mr.Standing Counsel (18)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 13-01-2026 1. Heard learned Counsel for the parties concerned.
2. The present writ application has been filed for quashing
the notice, dated 04.12.2025, issued by the respondent no.
4-Circle Officer, Barhara, Bhojpur, directing the
petitioner to remove the encroachment from the land in
question, situated in R. S. Khata No. 113, R. S. Plot Nos.
122 and 124, having an area of 24 decimals.
3. Learned Counsel for the petitioner submits that the
residential house of the petitioner and boundary wall is
situated upon the subject land, for which the



encroachment proceeding, bearing Encroachment Case No. 1 of 2024-25, was initiated and notice under Section 3 of the Bihar Public Land Encroachment Act, 1956 (in short, the 1956 Act') was issued. She further submits that the petitioner is a very old person. He did not receive the notice and could not submit his show cause before the Circle Officer, leading to passing of the final order and a final notice under Section 6 (2) of the 1956 Act, dated 04.12.2025, has been issued by the Circle Officer for removal of encroachment from the land in question.

4. Learned Counsel next submits that the land is the ancestral land of the petitioner. A title suit has been filed after the order was passed by the Circle Officer.
5. Learned Counsel for the State submits that the 1956 Act is a complete code and under Section 11 of the 1956 Act, the District Magistrate is the appellate authority. As such, the petitioner may prefer an appropriate appeal before the District Magistrate against the final order and the final notice passed by the Circle Officer.
6. Considering the nature of dispute and the prayer made in the writ application, this writ application is disposed with liberty to the petitioner to prefer an appeal against the



final order/notice passed by the Circle Officer for removal of encroachment and if such an appeal is filed by the petitioner within a period of 30 days from today, the District Magistrate, Bhojpur, shall dispose the appeal in accordance with law after giving opportunity of hearing to the petitioner and all other concerned within a period of four months from the date of filing of the appeal.

7. Till the disposal of the appeal, the structures/house/ boundary wall upon the subject land shall not be demolished.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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