

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.933 of 2026

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Mahendra Saw Son of Kesho Saw, Resident of Ward no 12, Badi Sangat Pul,
PS Sheikhpura, District Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Sheikhpura.
2. The Additional Collector, Sheikhpura.
3. The Sub-Divisional Officer, Sheikhpura.
4. The Circle Officer, Sheikhpura.
5. The Station House Officer, Sheikhpura.
6. The Executive Officer, Nagar Prishad, Sheikhpura.
7. Punam Kumari, W/o Ranjeet Malakar @ Malakar, R/o Village Bari Sangatpur, PS and District Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava
For the Respondent/s : Mr.Government Pleader (23)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 09-07-2026 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 order dated 31.07.2025 passed in BLDRA-86/2025, passed by the Learned District Magistrate (DM), Sheikhpura whereby the appeal preferred against the final order 25.02.2025 passed in encroachment case no. 04/2024-25 by the Circle Sheikhpura whereby the Circle Officer, passed final order in a cryptic manner and without consideration of mind that the house in question situated at Khatan No. 123, Kheshra No. 4217, Area 1.4 decimal Mauza



Sheikhpura, Ward No. 12, Badi Sangatpul, District Sheikhpura is long possession of the petitioner's ancestor since 13 चैत 1345 फसली (corresponding to year 1935) and Municipal Mutation and receipt and business licence in favour of the petitioner.

II. For not demolition of house of the petitioner, constructed upon Khata no. 123, Khesra No. 4217, Area 1.54 Decimal, situated at Mauja Sheikhpura, ward no. 12, Badi Sangat Pul, District-Sheikhpura in pursuant to cryptic order dated 25.02.2025 passed in encroachment case no. 04/2024-25 by Circle Officer, Sheikhpura District-Sheikhpura which is non consideration of the mind.

III. For sitting aside the order dated 25.02.2025 passed in encroachment case no. 04/2024-25 passed by the Circle Officer, Sheikhpura, District-Sheikhpura.

IV. For grant of any other reliefs for which the petitioner is entitled on the basis of facts as well as law both.

3. Learned counsel for the petitioner submits that the *Hukumnama* is in his favour and is stated to have been issued in the year 1935. He further submits that, after the coming into force of the Bihar Land Reforms Act, 1950, which formally abolished the zamindari system, the petitioner has, in order to establish his bona fides, produced rent receipts for the years 2018–2020 as well as for the year 2024-25. According to him, these receipts demonstrate that the rent has been regularly paid by the petitioner from before.

4. At this stage, learned counsel for the petitioner, by



referring to the statutory provision with regard to filing of review against the order passed by the Collector, submits that the petitioner may be directed to file statutory review and on filing of such review, learned Collector, Sheikhpura, may be directed to examine all those documents having been issued in favour of the petitioner with reference to the revenue records, so maintained in the District and if the documents, on verification, are found to be correct, in such event, necessary orders may be directed to be passed in accordance with law. Learned counsel has further produced other documents to show his claim, much less the business license issued by the Municipality, based on such documents, which apparently is not forming part of consideration, said to have not been considered by the District Magistrate, Sheikhpura, in its order dated 31.07.2025.

5. Learned counsel for the State submits that the petitioner may be permitted to file review before the appropriate authorities in terms of the provision of the Bihar Public Land Encroachment Act, 1956, in order to ventilate his/her grievance, if the petitioner has the valuable revenue documents, as claimed, to persuade the authorities to pass appropriate order with regard to their entitlement over the land in question.

6. Considering the stand of the parties, this Court



directs the petitioner to file review application within a period of four weeks from today and in case of filing of such application, the Collector, Sheikhpura, after giving notice to all concerned, shall pass necessary orders with reference to the revenue records, which is maintained in the concerned District, and on finding the claims of the petitioner to be justified, the plot in question as against which the notice of demolition is issued, would be revisited by the Collector, Sheikhpura.

7. It is made clear that If the review petition is filed within the period of three weeks, in such event, the *status quo* shall be maintained till final orders are recorded on the said review application.

8. The writ petition, with the aforesaid observation and direction, stands disposed of.

(Ajit Kumar, J)

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