IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.231 of 2026

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Ramayan Singh S/o- Late Sukhdev Singh, R/o Village and P.O- Dharupur, P.S- Bikramganj, District- Rohtas.

... ... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land Reforms Department, Government of Bihar, Patna
2. The Divisional Commissioner, Patna Division, Patna
3. The Collector, Rohtas District- Rohtas.
4. The Sub Divisional Officer, Bikramganj, District- Rohtas
5. The Circle Officer, Bikramganj, District- Rohtas.
6. The Executive Engineer, Son Canal Division, Bikramganj, Rohtas.
7. The Sub Divisional Officer, Son Canal, Sub Division, Kowath, District- Rohtas.
8. Geeta Kuer W/o- Late Prabhu Singh R/o Village and P.O- Dharupur, P.S- Bikramganj, District-Rohtas.
9. Manoj Kumar S/o- Late Prabhu Singh R/o Village and P.O- Dharupur, P.S- Bikramganj, District-Rohtas.
10. Aydhya Singh S/o- Late Brij Bihari Singh R/o Village and P.O- Dharupur, P.S-Bikramganj, District-Rohtas.
11. Manoranjan Singh S/o- Late Vishwanath Singh R/o Village and P.O- Dharupur, P.S-Bikramganj, District-Rohtas.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ashutosh Tripathy, Adv.
For the Respondent/s : Mr. Kumar Pankaj, AC to SC-5
For resp. nos. 8 & 9 : Mr. Janardan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 27-04-2026 Heard the parties.

2. The present application has been preferred for the following relief(s):

for issuance of an appropriate writ/order/direction for quashing the order dated 28.06.2025 passed by Collector

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(Second Appellate Authority) District-Rohtas in Complaint Case No. 99990115122452333 8/2A whereby and where under, the Collector has passed the order without making the appropriate enquiry pertaining to the land in question, without clarifying the actual fact, and without issuance notice to the petitioner in the proceeding before him or any authorities. Although disputed land has already been measured and demarcated at the request of respondent no.9, but he is filing petition one and another just to harass the petitioner.

1/A. That the petitioner further prays for issuance an appropriate writ/order/direction for quashing the measurement report dated 29.11.2025 which has been measured in absence of petitioner or his family members and the report has been prepared wrongly under pressure of Respondent No.11 the Chairman Nagar Parishad Bikramganj, violation of the principal of natural Justice and due process under the Bihar public Land Encroachment Act.

1/B. That the petitioners also pray for issuance an appropriate writ/order/direction upon the respondents not to interfere with the possession of the petitioner over the said land because they

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have got no jurisdiction or authorities under the law to make measurement of the land of Son Canal, Although Executive Engineer has already verified and stated in his letter that the petitioner has not encroached the land of canal. But respondent no.9 wants to any how demolish the house of petitioner.

1/C. That the petitioner also prays for commanding the official respondents to suitably compensate the petitioner for the illegal, arbitrary an unconstitutional action of the respondents ignoring the law.

1/D. That the petitioner further prays for issuance of any other appropriate writ / order / direction to which the petitioner is found entitled to.

3. The matter relates to an Encroachment Proceeding No. 02 of 2025-26 (State vs. Ramayan Singh) in which recording that certain part of the Khesra No. 569 has been encroached by the petitioner. Accordingly, he was put on notice on 15.12.2026.

4. The contention of the petitioner is that he duly appeared and submitted his show cause. Though the said contention is not part of the writ petition, learned counsel for the petitioner submits that his statement be recorded that show cause has already been filed.

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5. The counter affidavit has come on behalf of the respondent nos. 3 to 5 and learned State Counsel has taken this Court to the Joint Enquiry Report submitted by the Amins to show that certain part of the land has been encroached by the petitioner.

6. Learned counsel for the petitioner submits that notice was issued, he submitted show cause and there is nothing on record to show that a proper order has been passed whereafter they can step for the removal of the encroachment.

7. Learned State Counsel took this Court to Annexure-R/10 to show that an order has been passed.

8. This Court has taken note of the Annexure-R/10 which is an order dated 12.02.2026 and the short order read as under:

12.02.26 अभिलेख उपस्थापित। कार्यापालक पदाधिकारी नगर परिषद बिक्रमगंज एवं कार्यपालक अभियंता सोन नहर प्रमंडल बिक्रमगंज द्वारा अभीतक अपना पक्ष नहीं रखा गया है इस संबंध में पुनः स्मार पत्र निर्गत करें साथ ही उपरोक्त खाता खेसरा की भूमि पर बिहार लोक भूमि अतिक्रमण अधिनियम, 1956 के धारा 6(1) के तहत यह आदेश पारित किया जाता है कि अतिक्रमणकारी श्री रामायण सिंह ग्राम+पो0– धारूपुर मौजा–धारूपुर थाना संख्या–526 खाता संख्या–631 खेसरा–569 अनावाद सर्व साधारण की भूमि से अतिक्रमित संरचना पिलर, शौचालय इत्यादि दिनांक 19.02.26 तक स्वयं हटा लें,

अन्यता प्रशासन द्वारा बल पूर्वक अतिक्रमण हटाया जायेगा अतिक्रमणकर्त्ता को बिहार सार्वजनिक भूमि अतिक्रमण अधिनियम 1956 की धारा–6 की उपधारा (2) के तहत प्रपत्र–II में नोटिश निर्गत करें। अभिलेख दिनांक 28.02.26 को उपस्थापित करें।

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अंचलाधिकारी,

बिक्रमगंज, रोहतास।

ह0/–

अंचलाधिकारी,

बिक्रमगंज, रोहतास।

9. Having heard the parties, this Court is of the view that this certainly cannot be considered as a valid and just order passed by the respondent authority, particularly the Circle

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Officer, Bikramganj, Rohtas. Neither the case number is there nor the party names are available. Worst, even the show cause submitted by the petitioner has not been considered and/or the satisfaction of the Circle Officer, Bikrmaganj is there that he is satisfied about the encroachment and in that background, is passing the reasoned order.

10. Having recorded the aforesaid facts as also the short order of the Circle Officer, Bikramganj, this Court is of the view that he is duty-bound to pass a reasoned order in accordance with law to escape adverse order from the Court.

11. Learned counsel for the petitioner submits that he shall once again be submitting a fresh show cause before the concerned Circle Officer in next once week and further undertakes that on the next date fixed, he will be appearing diligently, failing which an appropriate order can be passed.

12. Learned State Counsel submits that if a fresh show cause is filed, it will be considered and a reasoned order will be passed.

13. In that background, the writ petition is disposed of allowing the petitioner to act as per the undertaking/ direction given above and it is expected from the Circle Officer, Bikramganj to pass a reasoned order within six weeks from the

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date the show cause is filed by the petitioner incorporating the point that has been taken by the petitioner in his show cause. If the petitioner fails to appear thereafter, even then the C.O., Bikramganj shall be taking the matter to its logical conclusion.

14. Needless to add, till the Circle Officer, Bikramganj passes an order, the status quo as existing today shall be maintained.

15. Pending I.A.(s), if any, stands stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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