

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3081 of 2026

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Anita Devi Wife of Sri Sachchida Nand Singh Resident of Lemzarar Lane,
Jhauganj, Sampatchak, Patna City, P.S. Khajekala, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The Collector-cum-District Magistrate, Patna.
5. The Sub Divisional Officer, Anchal Patna City, Patna.
6. The Circle Officer, Patna Sadar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj, Adv.

For the Respondent/s : Addl. Advocate General (12)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-05-2026 Heard the parties.

2. Counsel for the petitioner submits that petitioner is the owner of her *Khatiyani* land situated at Mauza Sabalpur, Thana No. 110, Tauzi No. 306, Khesra No. 6639, *Jamabandi* No. 154, and submits that the land in question was purchased by this petitioner through registered sale deed dated 20.08.1983 from the vendor and after instituting a Mutation case, *Jamabandi* in favour of this petitioner has been created since 1983, and ignoring the long-standing *Jamabandi* standing in favour of this petitioner, the proceedings under Bihar Public Land Encroachment Act, 1956 is said to have been initiated, which issue has also been adjudicated by the Hon'ble Division Bench *vide* judgment dated 07.01.2015 in LPA No. 1696 of 2014, in which, it has been settled that long-standing *Jamabandi*



cannot be interfered and possession of the petitioner cannot be disturbed in such summary proceedings much less of the kind initiated under the Bihar Public Land Encroachment Act, 1956, which is contrary to the dictum of Hon'ble Division Bench rendered in aforementioned case, while the proper recourse with the authorities are to take such issues before the court of competent Civil jurisdiction.

3. Learned counsel for the petitioner further submits that without the cancellation of *Jamabandi*, the proceedings under the Bihar Public Land Encroachment Act, 1956, has been initiated.

4. On the other hand, learned counsel for the States submits that encroachment proceedings being Case No. 58 of 2021-22 has already been concluded and final order under 6(1) of the Bihar Public Land Encroachment Act, 1956, has been passed and the petitioner may be directed to take such order in Appeal before learned Collector.

5. Considering the stand of the parties, this Court directs the petitioner to file an appeal within a period of 02 weeks from today against the order passed under 6 (1) in Encroachment Case No. 58 of 2021-22 and, it is made clear that till the adjudication of the appeal, no coercive steps shall be



taken against this petitioner in this case.

6. Accordingly, this Writ application is disposed of.

(Ajit Kumar, J)

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