



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.397 of 2026

1. Rajkumar Bhagat S/o Ramlal Bhagat R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
2. Jagdish Bhagat S/o Mahadeo Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
3. Dipak Bhagat @ Dipak Kumar Bhagat S/o Ramikbal Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
4. Ram Nivas Bhagat S/o Late Sahdeo Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
5. Pradeep Sah S/o Shyam Sunder Sah, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
6. Lalmuni Devi, D/o-Late Rajkumar Bhagat, W/o - Late Ram Kumar Bhagat R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
7. Shivshankar Bhagat S/o-Late Raghuvir Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
8. Rupesh Bhagat S/o Late Raghuveer Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
9. Rita Devi W/o Jaykishore Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
10. Uday Bhagat S/o Late Sushil Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
11. Ranjana Devi D/o -Ramikbal Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
12. Arvind Prasad Bhagat S/o Mahadeo Prasad Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.
13. Prince Kumar Bhagat S/o- Rajkumar Bhagat, R/o Village - Kheshar, Post- Kheshar, P.S. - Kheshar/Belhar, District- Banka, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Sub Divisional Officer cum Public Grievance Redressal Officer, Banka, District Banka.
4. The Circle Officer, Phullidumar, P.S. - Phullidumar, District -Banka.
5. Ashok Kumar Singh S/o Kesab Prasad Singh, R/o Village Kheshar, Post Kheshar, P.S. Kheshar/ Belhar, District Banka, Bihar.

... .. Respondent/s

Appearance :





For the Petitioner/s : Mr.Rounak Sinha
For the Respondent/s : Mr. Y. P. Sinha, AAG 7

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 20-01-2026 1. Heard learned Counsel for the parties concerned.
2. The petitioners have filed the present writ application being aggrieved by the final notice, dated 08.12.2025 (Annexure 4 series), issued by the Circle Officer, Phullidumur, Banka, in Encroachment Case No. 03 of 2024-25, by which the petitioners have been directed to remove the encroachment upon the land situated at Khata No. 199, plot no. 636.
3. Learned Counsel for the petitioners submits that the petitioners are the owners of their respective pieces of land and have been paying rent to the State Government, copies of which have been annexed as Annexure 1 series.
4. The respondent no. 5 filed a complaint under the Bihar Public Grievance Redressal Act, 2015 (in short, '2015 Act') before the Sub Divisional Officer, Banka, and without giving any notice to the petitioners, the measurement was done and report of the Circle Officer was submitted, in which it has been stated that the Government land/Hat, situated upon Khata No. 199, Plot No. 636, having a total area of 30 decimals, has been





encroached by the encroachers and accordingly the Sub Divisional Officer, Banka, has directed for initiation of encroachment proceeding, upon which Encroachment Case No. 05 of 2023-24 was initiated by the Circle Officer, Phullidumur, Banka.

5. Learned Counsel next submits that no notice under Section 3 of the 2015 Act was served upon the petitioners and the petitioners were not given any opportunity to submit their replies. The final notices, under Prapatra I and Prapatra II for demolition, were only served upon the petitioner, which have been challenged in the present writ application. The order passed by the Circle Officer and the impugned notices are violative of principles of natural justice.
6. Learned Counsel for the State submits that the petitioners have the remedy before the Appellate Authority, i.e. the Collector, Banka, under Section 11 of the 2015 Act and the petitioners may prefer appeal before the Collector, Banka, against the impugned notices and the final order passed by the Circle Officer, Phullidumur.
7. Considering the rival submissions of the parties and the nature of dispute, the petitioners are directed to prefer





appeal before the Collector, Banka, within a period of one month from today and if such an appeal is filed by the petitioners, the Collector, Banka, shall consider the same on its own merit and shall pass a reasoned and speaking order after calling for the records of Encroachment Case No. 03 of 2024-25 and giving opportunity of hearing to the petitioners and all other concerned within a period of four months from the date of filing of the appeal.

8. Till the appeal is finally disposed by the Collector, Banka, there shall be no demolition/removal of the encroachment from the subject land.
9. With the aforesaid observation and direction, this writ application is disposed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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