

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9691 of 2026

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Devendra Kumar Son of Late Jai Ram Sharma, Resident of village Khudauri,
Police Station- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretary, Patna- 1.
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna- 1.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Magistrate cum Collector, Jehanabad.
5. The Sub-Divisional Magistrate, Jehanabad.
6. The Deputy Collector, Lands Reforms, Jehanabad.
7. The Circle Officer, Hulasganj, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (20)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 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 :-

*(a) Issuance of an appropriate writ/
writs/direction /directions/order/orders to set aside
the order dated 29.05.2026 passed in
Encroachment Appeal Case No.02/D.M./ 2025-26
passed by the Learned District Collector-Cum-
District Magistrate, Jehanabad as well as to set
aside also the Final Order dated 28.08.2024
passed in Encroachment Case No.01 of 2024-25
passed by the learned Circle Officer, Hulasganj,*



Jehanabad.

(b). Issuance of an appropriate writ/ writs/order/ orders /direction/directions to stay the operation of the above-mentioned appellate order dated 29.05.2026 passed by the learned District Collector-cum-District Magistrate Jehanabad passed in Encroachment Appeal Case No.02/D.M./2025-26.

(c). Issuance of an appropriate writ/ writs/direction/directions/order/orders to quash the Notice contained in Memo No.1033 Dated 16.06.26 passed in Encroachment Case No.01 of 2024-25 issued by the learned Circle Officer, Hulasganj, Jehanabad by which the petitioner has been directed to remove the alleged Encroachments from his plots till 01.07.2026.

(d). To grant such other relief/reliefs as the petitioner May be found entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner, by referring to Annexure-P-6 and Annexure-P-7, submits that the land in question is *khatiyani* land of this petitioner, over which the petitioner is residing and their house is situated bearing Khata No.227 and 228, Khesra No.971, 376 and 1037 situated in Khudauri Village, Anchal-Hulasganj, Jehanabad.

4. It has next been submitted that Khata No.227, Plot No.376 measuring 20 decimal land has been settled to Baliram Sharma, son of Raghunandan Singh by a *hukumnama* and the above-mentioned land has been divided into three shares between Arun Sharma, Panpati Devi and the petitioner and they



are in possession of land and the State has got no reason to interfere with the same by treating the said land to be *garmazarua aam*.

5. It has further been submitted that these material issues have not been considered by the Circle Officer, Hulasganj, Jehanabad, and as also by the District Magistrate, Jehanabad, while adjudicating the issues pertaining to the encroachment case, which is said to have been initiated in the instant matter.

6. On the other hand, learned counsel for the State does not dispute the submission of the learned counsel for the petitioner that the issue of non-consideration of the revenue records can appropriately be raised by way of a statutory review before the District Magistrate, Jehanabad.

7. Considering the fact that there is already a provision of review under the Bihar Public Land Encroachment Act, 1956, this Court deems it appropriate to direct the petitioner to file a review with all supportive materials / documents especially which forms part of the writ petition as Annexure-P-6 and P-7, within a period of four weeks from today.

8. 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.

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

(Ajit Kumar, J)

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