

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11028 of 2023**

1. Kamal Kishore Patel Son of Late Suresh Patel, resident of Village-Dhunima, Ward No. 7, Post Office-Kothiya, Police Station-Mufassil, District-Khagaria.
2. Amar Kumar, son of Late Suresh Patel, resident of Village-Dhunima, Ward No. 7, Post Office-Kothiya, Police Station-Mufassil, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate, Begusarai.
4. The Superintendent of Police, Begusarai.
5. The Panchayati Raj Officer, Munger.
6. The Sub Divisional Magistrate, Sahebpur Kamal, Balia, Begusarai.
7. The Sub-Divisional Officer, Sahebpur Kamal, Balia, Begusarai.
8. The Deputy Collector Land Reforms, Sahebpur Kamal, Begusarai.
9. The Block Development Officer, Block-Sahebpur Kamal, Begusarai.
10. The Circle Officer, Block-Sahebpur Kamal, District-Begusarai.
11. The Circle Inspector, Sahebpur Kamal, Begusarai.
12. The Station Head Officer, Sahebpur Kamal Police Station, Begusarai.
13. Subodh Yadav, son of Prakash Yadav, at present Mukhiya of Bishnupur Aahok Panchayat Resident of Village-Govindpur, Ward No. 10, Post Office-Aahok, Police Station-Sahebpur Kamal, District-Begusarai.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Ravi Raj, Advocate  
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      14-09-2023      1.              The present writ petition has been filed seeking the following reliefs:-

*"(i) For issuance of writ in the nature of*



*Mandamus or any other appropriate writ for directing and commanding the respondent authorities to restore the earlier status/the real status of public land (Kaisar-e-Hind) appertaining to Mauza-Bishnupur Aahok. Thana No. 637, Khesra No. 262, Bakhri-Khagaria Road specially at Panchayat-Bishnupur Aahok, Block & Thana- Sahebpur Kamal under the District of Begusarai, as the same has forcibly been encroached by one Mr. Subodh Yadav, son of Prakash Yadav, at present Mukhiya of Bishnupur Aahok Panchayat, Police Station- Sahebpur Kamal, District- Begusarai, which is a public road on the garb of scheme of Swaksh Bharat Mission (Rural) and going to construct a building without taking No Objection Certificate over the said public land to grab the said property for opening a Hotel being the powerful political persons in connivance with the officials concerned and also by using the criminal force, they have illegally and forcibly constructed a boundary wall over the land of the petitioners appertaining to Mauza-Bishnupur Aahok. Tauzi No. 594, Thana No.637. Khata No. 224, Khesra No. 269, total Rakba-6 Kattha and 9 Dhur and it's*



*boundary (Chauhaddi) is in North-Tilo Yadav, South-Kaisar-e-Hind having Khesra No. 262 (940) ft.) and road, East-Mahavir Singh and West-Land of Trust.*

*(ii). For direction upon the respondent-authorities to initiate land encroachment proceeding under the Bihar Public Land Encroachment Act and further to demarcate afresh the encroached portion of public land (Kaisar-e-Hind) and, thereafter, to remove the encroached portion of public land upon which illegal construction has been made by the private Respondent No.13 to grab this property in the garb of Lohiya Swaksh Bihar Abhiyan under the Scheme of Swaksh Bharat Mission (Rural) neither taking NOC from the competent authority concerned, nor any Government Fund has been disburse for making Garbage House.*

*(iii). For further direction upon the District Magistrate, Begusarai to ensure that after removal of encroachment made over the public land adjacent to Bakhri Khagaria Main Road and the same be restored to its original form and also give direction to the Responsible Respondent Authorities to take immediate legal and appropriate action upon the Private Respondent No. 13*



*and his helpers, who has not only encroached the public land but also encroached the land of these petitioners.*

*iv. For staying the construction, which is going on over the public land (Kaisar-e-Hind) as well as over the land of these petitioners by using the criminal force in connivance with the Government Officials by the local Mukhiya who is powerful political person."*

2. At the outset, learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Circle Officer, Sahebpur Kamal, District-Munger for redressal of their aforesaid grievances. Liberty so sought is granted.

3. It is needless to state that in case, the petitioner approaches the Circle Officer, Sahebpur Kamal, District-Munger by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today, the same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.



4.           The present writ petition stands disposed  
off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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