

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6431 of 2025

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Jagdish Jha Son of Late Jivachha Jha, Resident of Village - Ahapur Ward No. 15, P.S. - Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Additional Collector, Madhubani.
4. The Deputy Collector Land Reforms Madhubani.
5. The Sub Divisional Officer Benipatti Madhubani.
6. The Executive Magistrate Benipatti Madhubani.
7. The Circle Officer Banipatti, Madhubani.
8. The Circle Amin Benipatti, Madhubani.
9. Sri Ramesh Jha, Son of Chandra Shekhar Jha, Resident of Village - Ahapur Ward No. 15, P.S. Benipatti, District- Madhubani.
10. Sri Shankar Kumar Jha, Son of Ramesh Jha, Resident of Village - Ahapur Ward No. 15, P.S. Benipatti, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the Respondent/s	:	Mr. Additional Advocate General (13)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2025 1. Heard learned counsel for the petitioner and learned
AC to AAG-13.

2. The learned counsel for the petitioner submits that
the instant writ application has been filed for direction upon the
authorities, particularly, the respondent no.7 (Circle Officer,
Benipatti) to remove the encroachment from the public way
situated at Mauza Ahapur, Thana no.142, Khata Mo.37(old),



Khesra No.927(old), District-Madhubani, which has been encroached by the private respondent no.9 and 10, namely, Ramesh Jha and Shankar Jha.

3. It is submitted that a differently abled person and since the public way has been encroached, as such he is having difficulty in ingress and egress from his house. It is next submitted that a proceeding under section 166 B.N.S.S. was initiated by the Executive Magistrate, based on the report of the Circle Officer, Benipatti bearing M.R. Case No.80/2025 but then the respondent no.9 and 10 are resourceful person and are not allowing the encroachment to be removed and they even assaulted the police personnel, when the force came to remove the encroachment over the said land. It is next submitted that petitioner also gave representation to the Collector, Sub divisional Officer for removal of encroachment over the said land, as would manifest from Annexure-P/4 series to the writ application but no action has been taken.

4. The learned State counsel submits that the writ application can be disposed of with a liberty to the petitioner to file a fresh representation before the Circle Officer, Benipatti for redressal of his grievance, as raised in the instant writ application. The learned State counsel fairly submits that if what



has been pleaded at para-7 and 10 of the writ application is true then definitely the respondent no.9 and 10 appears to be resourceful persons, as it has been pleaded at para-7 that the respondent no. 9 and 10 assaulted the force, which came to remove the encroachment and at para-10 it has been pleaded that despite proceeding initiated under section 166 of the B.N.S.S., on the report of the Circle Officer, based on which M.R. Case No.80/2025 was instituted but still encroachment has not been removed.

5. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a fresh representation before the Circle Officer, Benipatti seeking redressal of his grievance, as raised in the instant writ application on or before 24.07.2025, in the event, if any application is filed by the petitioner before the Circle Officer, Benipatti on or before 24.07.2024, in that event, the Circle Officer, Benipatti shall consider and dispose of the same, in accordance with law, after giving proper opportunity of hearing to all concerned and if required then to initiate an encroachment proceeding for removing the encroachment over the land in dispute in the instant writ application within a period of one month thereafter.



6. It is made clear that in the event if any encroachment case is initiated by the Circle Officer, in pursuance of the representation filed by the petitioner, in that event, the same shall be disposed of within a period of three months from the date of institution of the encroachment case in accordance with law, after giving proper opportunity of hearing to all concerned.

(Satyavrat Verma, J)

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