

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7231 of 2025

Md. Ali Son of- Late. Md. Jamir Alam, Residence of Mohalla- Nawada,
Sonepur, P.S-Sonepur, District- Saran, 871101.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Principal Secretary, Home Department, Government of Bihar, Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate, Saran, Chapra.
5. The Superintendent of Police, Saran, Chapra.
6. The Circle Officer, Sonpur Circle, Saran, Chapra.
7. The Bihar State Shiya Waqf Board, Through the Chairman, Govt. of Bihar, Patna, Bihar.
8. Bhola Mahto, S/o. Baijnath Mahto Resident of Vill- Nawada, P.O.- Rahimpur, P.S.- Sonpur, District- Chapra.
9. Durjay Mahto, S/o.- Rambabu Mahto Resident of Vill- Nawada, P.O.- Rahimpur, P.S.- Sonpur, District- Chapra.
10. Sarmdev Mahto, S/o. Punit Mahto Resident of Vill- Nawada, P.O.- Rahimpur, P.S.- Sonpur, District- Chapra.
11. Dilip Mahto, S/o. Baijnath Mahto Resident of Vill- Nawada, P.O.- Rahimpur, P.S.- Sonpur, District- Chapra.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Saroj Kumar Sharma, Advocate Mr. Vikash Kumar, Advocate Mr. Anupam Bahadur, Advocate Mr. Sunny Kumar, Advocate Mr. Piyush Kumar, Advocate
For the Respondents	:	Mr. Md. Anjum Akhter, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 08-12-2025 Following is the relief sought for in the present writ
application:-



“i. For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to remove encroachment over a kabristan (Graveyard) located on land bearing Khata no. 80, 140, Khesra no. 533, 540, 534, Area 4 Bihar, 3 Kattha 9 Dhur situated under Kasmar Mauza, Thana no. 80 of Sonpur Circle at Saran, Chapra and over Dargah bearing Khata no. 18, Khesra no. 66 total Area 5 Kattaha, 2 Dhur, situated at Nawada Mauza, Than no. 79 of Sonpur Circle at Saran, Chapra.

ii. For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to vacate encroachment on land of Kabristan and Dargah as stated above upon which anti-social people of the same locality have constructed house forcefully as well as illegally have constructed boundary wall.

iii. For issuance of any other writ/writs/order/orders/direction/directions for which the writ petitioner is legally found entitled under the facts and circumstances of the case.”

2. A counter-affidavit has been filed on behalf of Respondent Nos. 3 to 6. Following statement has been made in Para- 6 to 9 of the said counter-affidavit:-

“6. That first of all it would be relevant to mention here that after getting knowledge about the grievance of the petitioner, the Circle Officer, Sonapur initiated a Encroachment Case No. 01/2025 and to find out the reality called for report from the concerned Halka Karamchari who after going through the revenue record/s submitted a report



wherein and whereby he report that the land bearing Khata No. 80, Plot No. 540, Area 01-16-12 is recorded in Khatian as “Gairmajarua Aam” and its nature is “Kabristan”. He further reported that as per Trizya Plot No. 533, Area 00-14-10 is also recorded in Khatian as “Gairmajarua Aam” and its nature is “Kabristan”. He further also reported that Khatian of land bearing Thana No. 79, Khata No. 18, Plot No. 66, situated in Village-Nawada is not available. He also reported that land in question has been encroached by some persons and requested the Circle Officer, Sonapur to get measured the land in question by Anchal Amin so that actual encroachment be identified.

7. That considering the report of Halka Karamchari, the Circle Officer, Sonapur vide an order dated, the Anchal Amin vide Memo No. 1828 dated 17.06.2025 to measure the land in question and submit a measurement report, which is awaited.

8. That considering the facts and documents annexed it comes out that for redressal of grievance/s of the petitioner a legal proceeding is going on in accordance with the Bihar Public Land Encroachment Act, 1956 and the same will be concluded accordingly and after adopting due process encroachment, if any will be found, will be removed legally.

9. That considering the facts detailed in above noted paragraphs and documents annexed it is crystal clear that for redressal of the grievances of the petitioner of this writ a encroachment case is going on in accordance with law and grievances of the petitioner will be redressed by the process of law, therefore, present writ application lost its relevance and is fit to be dismissed.”



3. Upon perusal of aforesaid paragraphs of the counter-affidavit, it appears that the encroachment proceeding have already been initiated and notices have been issued to all concerned stakeholders by the competent authority.

4. In view of the ongoing proceedings and the steps already taken by the authorities, we are of the considered view that no further order is required to be passed in the present writ application.

5. With the aforesaid observation, the writ application stands disposed of.

6. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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