

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9471 of 2025

=====

Narsingh Mishra S/o Ram Janm Mishra, Resident of village- Phulwaria, P.S. -
Maker, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Department of Road Contraction, Bihar, Patna.
3. The District Magistrate, Saran.
4. The Circle Officer, Maker, District- Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv
For the Respondent/s : Mr. P.K. Shahi, Advocate General

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 12-09-2025 In the instant petition, the petitioner has prayed for the

following reliefs:

“(i) For issuance of writ of mandamus for commanding/directing the respondent authorities to dispose the representation dated 03.01.2025, 13.01.2025 and 04.02.2025 respectively as contained in annexure- P1 series of this writ application by way of Public Interest Litigation by which the respondent authorities were requested to remove encroachment from State High Way No.- 46 situated at from Kamla Das Math to Mishra Market, Maker Bazar Road, in Saran District, the said road has been encroached by local unsocial aliments,

(ii) For issuance of appropriate writ of mandamus commanding/directing the respondent authorities to do measurement of the road according to government map and remove the all encroachments made upon it by the antisocial



elements.

(iii) For issuance of other relief/relies, order/orders, direction/directions, writ/writs in the fact and circumstances of the case.”

2. Perusal of the counter affidavit, respondents have stated that the alleged encroachment have been removed. Learned Advocate General submitted on instruction that after removal of the encroachment for more than one occasion there are resurfacing on the subject land, in such an event the official respondents are hereby directed to initiate criminal prosecution against such of those persons who are illegally encroaching time and again and further take necessary steps in this regard to remove resurfaced illegal encroachment as on this day and communicate the decision of removal of encroachment and criminal action taken against such of those persons to the petitioner within a period of three months from the date of receipt of this order. For the reason that no person has a right to encroach upon public land; right to livelihood cannot over ride public rights as held by the Hon'ble Supreme Court in the case of ***Municipal Corporation of Delhi vs Gurnam Kaur, (1989) 1 SCC 101***. Concerned officials may take note of ***Jagpal Singh & Ors. vs. State of Panjab, (2011) 11 SCC 396*** read with Section 166 of the IPC, and Sections 441, 447, 268, 290, 133, 144 of the Cr.P.C.



3. Accordingly, the present writ petition stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

Jyoti/-

U			
---	--	--	--

