

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9239 of 2025

1. Arun Kumar Ajad Son of Yogendra Prasad Yadav, Resident of Vill - Laxminia, P.S. -Gamharia, District - Madhepura.
2. Rita Rani, Wife of Arun Kumar Ajad, Resident of Vill.- Laxminia,, P.S.- Gamharia, District- Madhepura.
3. Anjani Kumar, Son of Niranjan Prasad Yadav, Resident of Mission Road Bhirkhi, P.S.- Madhepura, District - Madhepura.
4. Pankaj Kumar, Son of Devendra Kumar, Resident of Vill.- Baihari, P.S.- Singheswar, District- Madhepura.
5. Chandramani, Wife of Dilip Kumar, Resident of Vill.- Gahumani, P.S.- Singheshwar, District- Madhepura.
6. Priti Kumari, Wife of Shambhu Kumar, Resident of Vill Bishanpur Korlahi, P.S. Kumarkhand, District - Madhepura.
7. Pratima Devi @ Pratima Sinha, Wife of Surendra Narayan Sinha, Resident of Lahari Tola Pani Tanki, P.S. Madhepura, District Madhepura.
8. Pratibha Sinha, Wife of Sushil Kumar Sinha, Resident of Kayastha Tola, ward no.- 28, P.S.- Saharsa, District - Saharsa.
9. Shweta Kumari, Wife of Akhilesh Kumar, Resident of Azad Nagar, ward No.- 9, P.S. Madhepura, District Madhepura.
10. Nidhi Kumari, Wife of Prakash Kumar Mallik, Resident of Krishnapuri, ward No.- 4, P.S.- Madhepura, District- Madhepura.
11. Nitish Kumar, Son of Rananand Verma, Resident of Pathraha, Ward No.- 4, P.S. - Madhepura, District- Madhepura.
12. Rananand Verma, Son of Braj Bihari Prasad, Resident of Jagjivan Path, Ward No.- 13, P.S.- Madhepura, District - Madhepura.
13. Prabhat Kumar Sah, Son of Satyanarayan Sah, Resident of Sant Awadh College, Ward No.- 4, P.S.- Madhepura, District- Madhepura.
14. Ramvilash Kumar, Son of Narayan Yadav, Resident of Vill.- Paharpur, P.S.- Sour Bazar, District- Saharsa.
15. Santosh Kumar, Son of Birendra Narayan Mehta, Resident of Pama, ward No.- 7, P.S.- Sour Bazar, District - Saharsa.
16. Pintu Kumar, Son of Raj Kishor Yadav, Resident of Gadhia Balam, P.S.- Madhepura, District- Madhepura.
17. Pinki Kumari, Wife of Mithilesh Kumar, Resident of ward No.- 13, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Divisional Commissioner, Koshi Division, Saharsa.
3. The District Magistrate-cum-Collector, Madhepura.



4. The Additional District Collector, Madhepura.
5. The District Land Acquisition Officer, Madhepura.
6. The Deputy Collector, Land Reforms, Madhepura.
7. The Circle Officer, Madhepura.
8. The Executive Officer, Nagar Parishad, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushant Praveer, Advocate
For the Respondent/s : Mr. Government Pleader (11)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-06-2025 The present writ application has been filed by the petitioners being aggrieved by the notices issued by the Executive Officer, Nagar Parishad, Madhepura whereby the petitioners have been directed to remove the encroachment within 7 days from the subject land bearing Khata No. 799 Plot No. 654, Khata No. 524 Plot No. 653 and 658 and Khata No. 13, Plot No. 655 situated at Thana No. 61, Mauza – Madhepura District- Madhepura.

2. Learned counsel for the petitioners submits that the petitioners are bonafide owners of the land in question and the jamabandi is standing in their names since long. The land encroachment case was initiated by the Circle Officer vide notice dated 15.04.2025 stating that the land in question was acquired by the Government in 2011 for the purpose of construction of police line. The Circle Officer has initiated proceeding under the Bihar Public Land Encroachment Act and



the petitioners have already submitted their objection in the said proceeding.

3. By the impugned notices, the Nagar Parishad, Madhepura, has directed the petitioners to remove encroachment within 7 days whereas the land does not belong to Nagar Parishad, Madhepura, and the notices issued by the Nagar Parishad is without jurisdiction.

4. On the other hand, learned counsel for the Nagar Parishad, Madhepura, submits that the land in question was duly acquired for construction of police line and compensation was paid to the rightful owners. The petitioners have encroached upon the subject land and have wrongly got the mutation done in their favour in collusion with revenue authorities. The Circle Officer has also issued notice for cancellation of the mutation.

5. Heard learned counsel for the parties.

6. Since encroachment proceeding under the Bihar Public Land Encroachment Act has already been initiated, in which the petitioners have already submitted their objection, accordingly, this writ application is disposed with a direction to the Circle Officer to pass a final order in accordance with law after giving opportunity of hearing to the petitioners and other affected persons.



7. Till the final order and final notice is issued by the Circle Officer, the possession of the petitioners on the subject land shall not be disturbed.

8. With the above observation, this application is disposed of.

(Anil Kumar Sinha, J)

Raj Ranjan/-

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