

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10123 of 2025

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Dijendra Nath Tiwari son of Shri Ram Tiwari, Resident of Village - Karmaini Gaji Jalalpur, P.S. - Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The Collector cum District Magistrate, Gopalganj.
4. The Sub Divisional Officer, Gopalganj.
5. The Circle Officer, Kuchaikote, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.
For the Respondent/s : Mr. Anuradha Singh, SC(21)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2025 Heard the parties.

2. The present writ petition has been preferred for the following relief(s):

(i) To issue a writ in the nature of "Mandamus" or any other appropriate writ / writs, order or orders, directions commanding the Respondents to remove the encroachment made over the Khatiyani land of the petitioner vide land reference Mauza Karmaini Gaji, Thana No. 710. Khata No. 75, Khesara No. 1156, Area 42 Decimal about 10 Dhur over which Respondent authority has made Pacca Road under Prime Minister Gramin Sadak Yojna without



informing the petitioner due to which he obstructed.

(ii) To hold and declare that notwithstanding the completion of process under Section 3 of Bihar Land Encroachment Act 1956 and finding / determination of encroachment declared by the Circle Officer, Kuchaikote, Gopalganj; Encroachment has not been removed, is the at all failure of execution of the order of Executive Court itself.

(iii) To direct the respondents to enforce the flow and potency of law forthwith for removing the said encroachment in terms of constitutional mandate and settled principle of law as laid down by this Hon'ble court.

(iv) To grant any other relief / reliefs for which the petitioner is entitled for and the Hon'ble Court deems fit and proper.

3. At the outset, learned State Counsel pointed out that the brick works were done on the land after the oral consent of the villagers in the year 2015 itself but now when the same was re-constructed, the complaint.

4. Learned counsel for the petitioner submits that he never gave consent and in that backdrop, shall be filing a proper petition before the Collector, Gopalganj.



5. The learned State Counsel has rightly submitted the facts which also finds supported by the different Annexures. However, since the petitioner wants to approach the Collector, Gopalganj (respondent no. 3), without commenting on the merit of the case and granting said liberty, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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