

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12083 of 2025

Vipin Kumar S/o- Ashok Prasad, R/o- Village- Narsingh Bigha, PO Teusa, PS
Atri, District- Gaya, State Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Senior Superintendent of Police, Gaya
4. The District Magistrate, Gaya
5. The Sub-Divisional Magistrate, Tehsil - Neemchak Badhani, District - Gaya
6. The Circle Officer, Atri Circle, District - Gaya
7. The Officer-in-Charge, Atri Police Station, District - Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Narayan, Adv. Mr. Abhigyan Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader (04)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 31-07-2025

In the instant petitioner, the petitioner has prayed

for following relief(s):-

- “(a) For issuance of an appropriate writ in the nature of mandamus or any other appropriate writ/writs, order/orders or direction/directions commanding the Respondents to remove the illegal encroachment from the land of Bihar Government Primary School, Narsingh Bigha as well as from the private land of the petitioner.*
- (b) For issuance of a writ/order/direction commanding the Respondents to take appropriate legal action against the illegal land encroachers who are named as accused persons in Atri Police Station Case No.26/2025.*
- (c) For issuance of an appropriate writ/order/direction directing the concerned authorities to act on the representations and*



complaints submitted by the petitioner regarding removal of encroachment.

(d) For issuance of any other appropriate writ/writs, order/orders or direction/directions as may be deemed fit and proper in the interest of justice.”

2. Learned counsel for the petitioner submits that the petitioner has made his grievance before the Circle Officer, Atri and the S.D.O., Nimchak Badhani, Gaya and he also represented his grievance before the District Magistrate, Gaya but his grievance has not redressed so he has represented his grievance before this court through writ.

3. Learned counsel for the State submits that grievance raised by the petitioner is quite vague as he has not mentioned any khata, kheshra and area upon which encroachment has been made and the same is missing in the writ petition and even if the petitioner's land or school has been encroached upon, but the petitioner has not represented his grievance in terms of Section 3 of the Bihar Public Encroachment Land Act. Learned counsel, however, submits that if the petitioner represents his grievance afresh before the concerned Circle Officer, who is the Competent Authority of anti-encroachment drive, the same shall be looked into. He further submits that if the petitioner has grievance with regard to encroachment over his private land, petitioner has to approach before the Competent Civil Court and Section 3 of the Bihar Public Encroachment Act would not be



applicable.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of the parties, the present writ petition is disposed of with liberty to the petitioner that if the petitioner has grievance with regard to the public land he may approach before the Competent Authority within a period of four weeks from the date of receipt of the order. If such representation is filed within the stipulated period, the concerned authority will pass appropriate order, in accordance with law, after giving due opportunity of hearing to the parties concerned expeditiously within a reasonable period of time, without being prejudiced by the order passed by this court.

5. If the petitioner has any grievance with respect to his private land, the petitioner may approach before the appropriate forum.

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	02.08.2025
Transmission Date	N/A

