

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12581 of 2025

Mithun Kumar Das Son of Dashrath Das, Resident of Village-Suryapur/Surajpur Colony, Post-Jiwdhara, Anchal and P.S.- Piprakothi, District- East Champaran at Motihari at Present- Ward Member of Ward No.- 5, Gram Panchayat Suryapur, Block-Piprakothi, District- East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The Additional Collector (Land Reforms), District- East Champaran at Motihari.
4. The Sub- Divisional Officer, Motihari Sadar, District- East Champaran at Motihari.
5. The Deputy Collector Land Reforms, Motihari Sadar, District- East Champaran at Motihari.
6. The Anchal Adhikari, Pipra Kothi, District- East Champaran.
7. The Station House Officer, Pipra Kothi Police Station, District- East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Mishra, Advocate
For the Respondent/s : Mr. Government Pleader 05

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 15-12-2025 The present writ application has been filed in the form of a Public Interest Litigation (PIL) for the following reliefs:

“i. That this writ application by way of Public Interest Litigation is filed on behalf of the petitioner in representative capacity being elected



Ward Member of Ward No.5 of Gram Panchayat Suryapur situated in the Block of Pipra Kothi under the District of East Champaran (Motihari) for issuance of an appropriate writ/writs in the nature of mandamus directing/commanding the Respondents for removal of illegal encroachments from the public road, which is about one kilometer long and is started from the Phulwari of the villager Shankar Singh and goes up to the main road to south of Jivdhara to Pipara Kothi, but, several persons have encroached long parts of the road by making huts and have installed water pump, cattle, thatched houses shed and have captured half of the width of the road due to which general public of the villages face problems as well as Tractors and four wheelers face immense difficulty in passing through the road and several requests and representation to the concerned respondents for removal of the said encroachment from the said public road have gone in vain and therefore, the petitioner is compelled to move this Hon'ble Court for early removal of the said encroachment at the earliest.

ii) Any other relief/reliefs may be granted in favour of the petitioner in public interest in this case, which may be found suitable in the facts and circumstances of the case.”

2. A counter affidavit has been filed on behalf of respondent No. 3, the relevant paragraphs of which are extracted hereinbelow:



“8. That the facts remains further Officer, that the Circle Piprakothi ordered for measurement of the road in question vide order dated 11.10.2025 to Anchal Amin. The Anchal Amin measured the land in question as per petition filed by the writ petitioner. The Anchal verified the rehabilitation with survey map and found that Plot No-1604, 1605 and 1660 has no concern with the road in rehabilitation map. Plot NO-1736 could not be measured due to paddy crops and canes growing in the surrounding of lands, therefore encroachment in the plot could not be ascertained at the moments. The report of Anchal Amin was submitted on 05.07.2025. It has been reported also that SO far Plot No-1602 and 1603 is concerned CWJC No-16470/2022 is pending before the Hon'ble High Court in regard to encroachment.

9. That the facts remains further that on receipt of the report of encroachment by six persons in Plot No-1602 by the Anchal Amin the Circle Officer has initiated proceedings of encroachment under Bihar Public Land Encroachment Act, 1956, against the six persons who are encroachers vide Encroachment Case No-6/2025-26 and Prapatra-I has been ordered to be issued on 14.10.2025 itself.”

3. Considering the statements made in the counter affidavit and the fact that the respondent authorities have already initiated statutory proceedings for removal of encroachment in accordance with law, we find no reason to pass



any further order in the present writ application.

4. The writ application is, accordingly, disposed of.

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

(Sudhir Singh, ACJ)

(Alok Kumar Pandey, J)

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