

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12320 of 2025

Rampoojan Singh, male, aged about 59 years, Son of Late Rambali Singh,
Resident of Village Kamalpur, PO Badahari, PS Kargahar, District Rohtas,
Bihar, Pin 802215.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Additional Chief Secretary, Department of Animal Husbandry and Fishery Resource Department, Government of Bihar, Patna.
5. The District Magistrate, Rohtas.
6. The Superintendent of Police, Dehari-on-Son, Rohtas.
7. The Deputy Collector Land Reforms, Sasaram, Rohtas.
8. The Circle Officer, Kargahar, Rohtas.
9. The Station House Officer, Kargahar Police Station, Rohtas.
10. Dudh Nath Singh, Son of Late Chaturi Singh, Resident of Village Kamalpur, P.O. Badahari, P.S. -Kargahar, District - Rohtas, Bihar, PIN - 802215.
11. Suresh Yadav, Son of Late Loki Singh, Resident of Village Kamalpur, P.O. Badahari, P.S.-Kargahar, District - Rohtas, Bihar, PIN - 802215.
12. Kameshwar Singh, Late Mundrika Singh, Resident of Village - Kamalpur, P.O. Badahari, P.S. -Kargahar, District - Rohtas, Bihar, PIN-802215.
13. Jag Narayan Singh, Son of Late Kumdan Singh, Resident of Village - Kamalpur, P.O. - Badahari, P.S. -Kargahar, District - Rohtas, Bihar, PIN-802215.

... .. Respondents

Appearance :

For the Petitioner : Mr. Sunil Kumar Singh No.10, Advocate
For the State : Mr. Kinkar Kumar, SC-9
For the Respondent No.1to 12 : Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 27-11-2025

In the present writ petition, the petitioner prays for the



following relief/s:

“(i) For issuance of an appropriate writ/writs, direction/directions upon the respondent authorities to remove encroachment from Government Land, Nature of Land as Aahar Pond situated Mauza – Kamalpur, Thana No. 366, Khata No. 56, Khesra No. 380, Area 3.08 Decimal, which is encroached with filling soil and made House on the said land by the Respondent Nos. 10 to 13 on their muscle power and in connivance of local government authorities/officers.

(ii) For issuance of an appropriate writ/writs, direction/directions upon the Respondent Authorities to restore the original nature of the Government Land, Nature of Land as Aahar Pond situated Mauza Kamalpur, Thana No. 366, Khata No. 56, Khesra No. 380, Area 3.08, which is used for drinking water for cattle and their habits and also used for irrigation of Agricultural land.

(iii) For issuance of an appropriate writ/writs, direction/directions upon the Respondent Authorities to free flow water of the aforesaid Pond situated at Mauza - Kamalpur, Thana No. 366, Khata No. 56, Khesra No. 380, Area - 3.08, the said water is used for irrigation of land of Local villager, who are mostly affected by the encroaching with filling soil and made House on the said pond by the Respondent Nos. 10 to 13 on their muscle power and in connivance of local government authorities/officers.



(iv) For any other relief/reliefs, which the Hon'ble Court may be grant to the petitioner in the interest of justice.”

2. A counter affidavit has been filed on behalf of Respondent Nos.5, 7 and 8. The following statements have been made in paragraph nos. 5 to 9:-

“5. That it is humbly submitted that this Honourable Court has been pleased to pass order on 17.09.2025 and direction has been given to District Magistrate Rohtas to file counter affidavit apprising what are the steps taken by the authorities pursuant to the petitioner's representation dated 30th June 2025 in so far as removal of alleged encroachment on the government land as narrated in the prayer.

6. That it is humbly submitted that in the light of the representation dated 30.06.2025 filed by the petitioner Circle Officer, Kargahar asked for measurement report from Anchal Ameen, Then Anchal Ameen reported about encroachment on land in question. Then CO, Kargahar initiated encroachment proceeding for removal of encroachment by initiating encroachment case no.06/2025-26.

7. That it is humbly submitted that in compliance with the direction of hon'ble high court District Magistrate Rohtas constituted joint enquiry committee consisting of SDM, Sasaram & DCLR, Sasaram vide letter no.



4549/विधि० dated 10.10.2025 to enquire into matter by making spot inspection and give report.

8. That it is stated that the joint committee submitted report its vide letter no.-1938, dated-14.10.2025. The said report it is reported that land in question with description Khata no. 56, Plot no. 380 area 3 acre 08 dismal of land situated at village Kamalpur Thana no. 366 is recorded as Anavad Sarv Sadharan, kism-Aahar in Survey Khatian. It is further reported that 14 persons have encroached area 18.2 decimal of land in question. That the report further states that on basis of the said report, Circle Officer (in short C.O.), Kargahar has initiated encroachment case no.-06/25-26 against encroachers. It is also stated that notice in Prapatra-1 has been issued against encroachers by CO, Kargahar.

9. That it is humbly submitted that CO, Kargahar has reported to SDM, Sasaram vide letter no.1211, dated-14.10.2025 that proceedings for removal of encroachment has been initiated vide Encroachment Case No.-06/2025-26 against encroachers and notice has been issued in prapatra-1 and hearing date has been fixed as 05.11.2025.”

3. In view of the statements made therein, it appears that the encroachment proceedings have already been initiated by the competent authority. It is expected that the said authority



shall consider the matter and pass an appropriate order in accordance with law after giving due opportunity to all the Stakeholders.

4. With the aforesaid observation, this writ application stands disposed of.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J.)

*Gaurav Kumar,
Ibrar/-*

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