

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12593 of 2025

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Kumar Nagendra Singh @ Nagendra Singh Son of Late Ram Bahadur Singh,
Resident of Village- Belwara, Ward No.- 12, P.S.- Kamtaul, District-
Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Land and Revenue Department, Bihar, Patna.
2. The Secretary, Land and Revenue Department, Bihar, Patna.
3. The District Magistrate, District- Darbhanga.
4. The Sub-Divisional Magistrate, Sadar Darbhanga.
5. Circle Officer, Anchal Jale, District- Darbhanga.
6. The Station House Officer, Kamtaul P.S., District- Darbhanga.
7. Dharendra Kumar Singh, Son of Satyanarayan Singh, Resident of Village- Belwara, Ward No.- 12, P.S.- Kamtaul, District- Darbhanga.
8. Ghyanendra Kumar Singh @ Niru, Son of Satyanarayan Singh, Resident of Village- Belwara, Ward No.- 12, P.S.- Kamtaul, District- Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC 3
		Mr. Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 05-08-2025

Heard the parties.

2. In the instant petition, petitioner seeks
following relief(s):-

*(i) For issuance of
writ of mandamus Commanding
respondent authority to remove the*



encroachment of Gair Mazarua Aam Rasta bearing Khesra no.- 3536, Area- 10 dhur situated under Mauza- Belwara, Thana no.- 39, Anchal Jale, District- Darbhanga, encroached by private respondent no., 7 and 8.

(ii) For issuance of writ of mandamus commanding the respondent authority to take legal action against the Private respondent no.- 7 and 8, regarding the Construction Wall is going on, the aforementioned Gari Mazarua 'Aam Rasta'.

(iii) For issuance of such other writ or order or direction which may deem fit and proper for removal of encroached land.

3. Learned counsel for the petitioner submits that land appertaining to Khesra No. 3536, Thana No. 39, Area 10 dhur situated at Mouza Belwara, Anchal – Jale, District - Darbhanga is Government land/‘Aam Rasta’ and the same has been encroached by private respondent nos. 7 and 8 and they have initiated construction on the said land. Learned counsel further submits that the aforementioned land is used by the petitioner since very long period and he has no alternative except the said land. He further submits that petitioner filed an application before the Circle Officer, Jale to stop the



construction work on the said land on 21.07.2023 (Annexure P/1). Thereafter, petitioner also represented before the S.D.O., Sadar Darbhanga for removal of encroachment over the said land on 13.11.2023 (Annexure P/2). He further submits that petitioner represented his grievance to the District Magistrate, Darbhanga on 30.04.2025 for removal of encroachment but no action has been taken up till now.

4. Learned counsel for the State submits that land in question is a public land and petitioner has to represent before the District Magistrate, Darbhanga, Jale under Section 3 of the Bihar Public Land Encroachment Act, 1956. If the petitioner represents his grievance as per the statutory provision before the competent authority, the concerned authority will look into the matter.

5. Considering the facts and circumstances of the present case and the submissions advanced on behalf of the parties, the present writ petition stands disposed of with direction to represents his grievance, as has been raised in the present writ petition, afresh before the Collector, Jale under Section 3 of the Bihar Public Land Encroachment Act, 1956 within a period of three weeks from the date of receipt of this order. If such representation is filed within the stipulated period,



the concerned authority shall pass appropriate order in accordance with law after giving due opportunity of hearing to the parties concerned within a reasonable period of time without being prejudiced by the order passed by this Court.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.08.2025.
Transmission Date	N/A

