

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15024 of 2025**

Sushma Kumari, D/o- Vishwanath Prasad Gupta, Wife of Shri Ashok Kumar,  
R/o- Village, P.O. and P.S.- Bhawanathpur, Bhawanathpur, District- Garhwa,  
Jharkhand- 822112, Presently Residing at Village- Khemda, DVC Colony,  
P.O and P.S- Barun, Aurangabad, Bihar- 824112.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Bailey Road, Patna-800015, Bihar.
2. The Additional Chief Secretary, Department of Land Reforms and Revenue, Government of Bihar, Main Secretariat, Bailey Road, Patna-800015, Bihar.
3. The Commissioner, Patna Division, Office of the Divisional Commissioner, Patna Division, Collectorate Campus, Patna-800001, Bihar.
4. The District Magistrate, Aurangabad, Office of the District Magistrate, Collectorate Building, Aurangabad- 824101, Bihar.
5. The Land Reforms Deputy Collector, Aurangabad District, Office of the Deputy Collector, Land Reforms, Collectorate Building, Aurangabad- 824101, Bihar.
6. The Circle Officer, Barun Circle, Office of the Circle Officer, Barun, District Aurangabad- 824112, Bihar.
7. Mrs. Saraswati Kumar, Wife of Lalan Choudhary, Resident of Barun Near Devi Mandir, District Aurangabad- 824112, Bihar.
8. Munna Choudhary, Son of Lalan Choudhary, Resident of Barun Near Devi Mandir, (Firm Lalan Mishthan Bhandar), District- Aurangabad- 824112, Bihar.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. Abhishek Kumar Pandey, Adv<br>Mr. Harsh Kaushal, Adv. |
| For the State        | : | Mr. Bijay Bhushan Prasad, AC to SC-13                     |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      23-09-2025                      The instant application has been filed under Article  
  
226 of the Constitution of India by the petitioner seeking the  
  
following relief(s):

*"i) For directing the Respondent No. 5. the  
Deputy Collector, Land Reforms, Aurangabad,*



*to forthwith enforce the removal of unauthorized encroachment from the petitioner's land in accordance with the time-bound order passed under the Bihar Land Dispute Resolution Act, 2009, and to restore the petitioner's lawful possession, in light of the statutory obligation under Section 4(H) of the said Act and the binding precedents.*

*(ii) To Hold and declare that the continued inaction of the respondents, despite the petitioner's lawful title and possession, constitutes a violation of her constitutional rights under Articles 14, 21, and 300A of the Constitution of India, and consequently direct the respondents to ensure full protection of the petitioner's property, including removal of unauthorized construction, demarcation of boundaries, and prevention of further encroachment, in accordance with the rule of law.*

*(iii) For such other relief(s)/ direction(s) as your lordships may deem fit and proper in the facts and circumstances stated hereinafter for the ends of justice."*

2. Heard Mr. Abhishek Kumar Pandey, learned counsel appearing for the petitioner and Mr. Bijay Bhushan Prasad, learned counsel appearing for the State respondents.

3. The main grievance of the petitioner is that the complaint No. 13 of 2025-26 which has been filed by the petitioner before the Deputy Collector, Land Reforms (DCLR)



under the provisions of the Bihar Land Dispute Resolution Act, 2009 seeking immediate removal of the alleged encroachment, has not been taken up and decided by the D.C.L.R. and according to the petitioner, this is in disregard of the provisions of Section 9 of the Bihar Land Dispute Resolution Act, 2009, which clearly mentions that the competent authority (DCLR) shall take all possible steps for expedite resolution of disputes and shall ensure final adjudication within a maximum period of three months from the date of institution of the case.

4. After some argument, learned counsel for the petitioner seeks permission to withdraw this petition with a liberty to make a prayer before the DCLR, highlighting the provisions of Section 9 of the Bihar Land Dispute Resolution Act, 2009.

5. Accordingly, the instant writ petition stands disposed of with the aforesaid liberty granted to the petitioner.

6. If the petitioner avails the aforesaid liberty then the DCLR should comply with the provisions of Section 9 of the Bihar Land Dispute Resolution Act, 2009.

**(Shailendra Singh, J)**

Rajiv/-

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