

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18109 of 2025

1. Lakhanlal Mandal, Son of Late Kutai Mandal, resident of village- Nawada, P.O.- Akidatpur, P.S.- Kharik, District- Bhagalpur.
2. Santlal Mandal, Son of Late Kutai Mandal, resident of village- Nawada, P.O.- Akidatpur, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Rural and Parliamentary Department through the Chairman, Government of Bihar, Patna.
3. D.G.P. (Police), Patna, Bihar.
4. The Superintendent of Police, Naugachia, District- Bhagalpur.
5. The District Magistrate cum Collector, Bhagalpur.
6. The Sub-Divisional Officer, Naugachia, District- Bhagalpur.
7. The Land Reforms, Deputy Collector, Naugachia, District- Bhagalpur.
8. The Circle Officer, Kharik, District- Bhagalpur.
9. The Officer-In-charge, Kharik Police Station, District- Bhagalpur.
10. Bijo Mandal, Son of Late Munni Mandal, Resident of village - Nawada, P.O. - Akidatpur, P.S.- Kharik, District- Bhagalpur.
11. Bharatlal Mandal, Son of Late Munni Mandal, Resident of village - Nawada, P.O. - Akidatpur, P.S.- Kharik, District- Bhagalpur.
12. Changuri Mandal, Son of Late Munni Mandal, Resident of village - Nawada, P.O. - Akidatpur, P.S.- Kharik, District- Bhagalpur.
13. Upendra Mandal, Son of Late Sarjug Mandal, Resident of village - Nawada, P.O. - Akidatpur, P.S.- Kharik, District- Bhagalpur.
14. Bhairo Mandal, Son of Late Sarjug Mandal, Resident of village - Nawada, P.O. - Akidatpur, P.S.- Kharik, District- Bhagalpur.
15. Rital Mandal, Son of Late Pulkit Mandal, Resident of village - Nawada, P.O. - Akidatpur, P.S.- Kharik, District- Bhagalpur.
16. Chaina Mandal, Son of Late Kishan Mandal, Resident of village - Nawada, P.O. - Akidatpur, P.S.- Kharik, District- Bhagalpur.
17. Rajesh Mandal, Son of Horli Mandal, Resident of village - Nawada, P.O. - Akidatpur, P.S.- Kharik, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Pandey, Adv. Mr. Ved Prakash Chandan, Adv
For the Respondent/s	:	Mr. Shankar Kumar Thakur, AC to GP-27



CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-11-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioners seeking the following relief(s):

" 1. That the present writ application is being filed for a writ/writs, order/ orders, directions directing upon the respondents concerned to remove the encroachment from the petitioner's land situated at Mouja-Bhatotar, Village- Nawada, P.O.-Akidatpur, P.S.-Kharik, District- Bhagalpur vide land in Thana no.111, Khata no.13, Khesra no.39 and 41, Rakba-15 Decimal and 26 decimal, total 41 decimals illegally encroached by the private Respondent nos.10 to 17 respectively, who are built their huts on the petitioners land and on ask to remove they threatened to kill them."

2. Mr. Rajesh Kumar Pandey, learned counsel appearing for the petitioners and Mr. Shankar Kumar Thakur, learned counsel appearing for the State-respondents are present and they are heard.

3. The main issue raised by the petitioners in this writ application is that upon their ancestral property, private respondent nos. 10 to 17 have encroached by constructing their huts and are disturbing the petitioners in various ways and despite applications having been filed by the petitioners before C.O. a copy of same was forwarded to Superintendent of



Police, Naugachia, Bhagalpur, District Magistrate-cum-Collector, Bhagalpur, S.D.O., Naugachia, Bhagalpur and D.C.L.R., Naugachia, Bhagalpur etc. no action has been taken to redress the petitioners' grievance.

4. On the other hand, Mr. Shankar Kumar Thakur, learned counsel appearing for the State-respondents submits that the petitioners' case is not covered under Bihar Public Land Encroachment Act, 1956 as the same applies only to encroachments over Public Land however the petitioners may avail the remedies available under the Special Relief Act and other civil laws.

5. This court is not persuaded to invoke the writ jurisdiction to redress the petitioners' grievance, however, the District Magistrate-cum-Collector, Bhagalpur is directed to look into the matter detailed in the application filed by petitioners and take necessary legal action, if petitioners have made out a case for relief within their jurisdiction.

6. Accordingly, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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