

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1125 of 2022

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Neha Devi Wife of Sri Sunil Kumar, resident of Village-Kabiyahi, Ward No. 13, under Gram Panchayat Maura Kabiyahi, P.O.-Maura, Ram Nagar, Block-Shankarpur, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commission, Koshi Division, Saharsa.
3. The District Magistrate-cum-Collector, Madhepura.
4. The Deputy Collector Land Reforms, Madhepura.
5. Sub Divisional Officer, Madhepura.
6. The Circle Officer, Shankarpur Anchal, District-Madhepura.
7. S.H.O. of Shankarpur Police Station, District-Madhepura.
8. Jay Narayan Das, son of Late Bidusari Das, resident of Village-Kabiyahi, Ward No. 13, under Gram Panchayat, Maura Kabiyahi, P.O. Maura, Ram Nagar, District-Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shekhar Kumar Singh, Adv. Mr. Manoj Kumar Pandey, Adv. Mr. Raja Surendra Mohan, Adv.
For the Respondent/s	:	Mr.Sajid Salim Khan (SC25)

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 23-03-2026 Heard the learned counsel for the petitioner and the

learned AC to SC 25.

2. The present application has been preferred for grant
of following relief(s) :-

*i) For issuance of writ/writs, order/orders,
direction/directions, in the nature of
Mandamus, commanding the respondents to
immediately demarcating the land of the*



petitioner, wherein under Mauja: Maura Thana No. 213, Khata No. 579(new), Khesra No. 6057, Total Rakba- 14 dhurs (11 decimals) land i.e. 795 sq.feet, the land of the petitioner may kindly be demarcated in the presence of Circle Officer, Shankarpur Anchal as well as in presence of the respondent no. 7 through the Anchal Amin.

ii) For further prayed for direction upon respondents no. 6 & 7 to immediately demarcating the land of the petitioner through the Anchal Amin.

iii) For further prayed for direction upon respondent no. 8 not created nuisances over land of the petitioner under Mauja Moura, Thana No. 213, Khata No. 579, Khesra No. 6057, Rakba 11.079 sq.ft during the pendency of the writ application.

iv) For further any other relief/reliefs, order/orders, direction/directions may deem fit and proper in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the petitioner is aggrieved by the fact that the land which has



been purchased by the petitioner through various sale deeds is being encroached by the adjacent raiyat. It has been submitted that the land was initially demarcated by the Anchal Amin, however, the same was not made final in presence of the Circle Officer and therefore, the private respondent has been disturbing his possession over the same.

4. Learned AC to SC 25 submits that from perusal of Annexure-8, it is clear that the Circle Amin had measured the entire land and found that 3 dhurs of land belonging to the petitioner was under the possession of the private respondent, namely, Jay Narayan Das. The said report of Anchal Amin clearly states that the measurement was done in presence of both parties and was duly demarcated and therefore, the present application has no merit.

5. Having heard the learned counsel for the parties and going through the records, it appears that demarcation was earlier done in the year 2019 and the petitioner has approached this Court in the year 2022 with the same prayer for demarcation of the land in presence of the Circle Officer as well as in the presence of the S.H.O. of Shankarpur, Police Station. From the pleadings made in the writ application and from the perusal of the record, it is clear that the only demand of the



petitioner with respect to the demarcation of his land and which was already undertaken by the Circle Officer, Shankarpur and accordingly demarcated. However, the possession of the petitioner over 3 dhurs of land is not being allowed by the private respondent.

6. The present writ application is being disposed of with a liberty to the petitioner to approach the appropriate authority, if the land belonging to the petitioner is being encroached illegally by the adjacent raiyat i.e. respondent no. 8 and for which an appropriate application shall be filed by the petitioner, which shall be considered on its own merits.

7. Accordingly, the application is disposed of with the aforesaid liberty.

(Sourendra Pandey, J)

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