

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1620 of 2026

1. Shatrudhan Paswan Son of Late Laddu Paswan alias Lakhan Paswan, resident of R Block Chauraha, Patna, Phulwari, P.S. -Sachivalay, Dist.- Patna- 800001.
2. Binod Paswan, Son of Lt. Suresh Paswan, resident of R Block Chauraha, Behind P.N.T. Club, Patna, Phulwari, P.S.- Sachivalay, Dist. - Patna 800001.
3. Shailesh Aviral Raj Son of Lt. Suresh Paswan, resident of R Block Chauraha, Behind P.N.T. Club, Patna, Phulwari, P.S.- Sachivalay, Dist.- Patna 800001.
4. Dinesh Paswan, Son of Lt. Suresh Paswan, resident of R Block Chauraha, Behind P.N.T. Club, Patna, Phulwari, P.S.- Sachivalay, Dist. -Patna- 800001.
5. Rishav Raj, Son of Lt. Suresh Paswan, resident of R Block Chauraha, Behind P.N.T. Club, Patna, Phulwari, P.S.- Sachivalay, Dist. -Patna 800001.
6. Rohan Paswan, Son of Lt. Suresh Paswan, resident of R Block Chauraha, Behind P.N.T. Club, Patna, Phulwari, P.S.- Sachivalay, Dist. -Patna 800001.
7. Devi Kumari, Daughter of Girani Paswan, Resident of village- Nagarnausa, P.S.- Nagarnausa, Dist. - Nalanda. (801305).
8. Pushpa Devi, Wife of Rohan Paswan Resident of Road No. 10, R Block, P.S.- Sachivalay, Dist. - Patna 800001.
9. Prakash Paswan, Son of Laddu Paswan alias Lakhan Paswan, resident of Brajesh Nagar, Gardhpar, Joda Masjid, P.S. - Manpur, Dist.- Gaya 823003.
10. Ramesh Paswan, Son of Late Ladu Paswan @ Lakhan Paswan R Block, Road No. 1, Phulwari, P.S.- Sachivalay, Dist.- Patna 800001.
11. Jasmati Devi, Wife of Late Suresh Paswan, R Block, P.S.- Sachivalay, Dist.- Patna 800001.
12. Kiran Devi, Wife of Satrudhan Paswan, Resident of R Block Chauraha, P.N.T. Club, Patna, G.P.O. P.S.- Sachivalay, Dist. - Patna 800001.
13. Ribha Devi, Wife of Subodh Paswan, resident of village and Post- Parthu, P.S.- Pipra, Dist.- Patna 804453.
14. Manorma Devi, Wife of Ramesh Paswan, resident of R Block road Dhobi Ghat, Patna, P.S.- Sachivalay, Dist.- Patna.
15. Shakunti Devi, W/O Late Laddu Paswan @ Lakhan Paswan resident of R Block Chauraha, P.N.T. Club, Patna, G.P.O. P.S.- Sachivalay, Dist. - Patna 800001.

... .. Petitioner/s

Versus

1. Union of India through Chairman, Eastern Railway, Danapur.
2. The Chief Engineer Eastern Middle Railway Patna Junction, P.S.- Rail Police, Patna Junction P.O.- G.P.O., District- Patna.
3. The State of Bihar through the Revenue Secretary, Government of Bihar, Patna.



4. District Magistrate, Patna.
5. Circle Officer, Patna Sadar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nand Kumar Sagar, Adv.
For the UOI	:	Mr. Rajiv Krishma Bariar, CGC
For the State	:	Mr. Sunil Kr. Mandal, SC3
		Ms. Neelam Kumari, AC to SC3

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 02-07-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

“1. That this is an application for issuance of Writ of Certiorari calling for the records leading to the impugned encroachment notice dated 03.04.2025 and 16.01.2026 and to quash the same.

2. That this Hon'ble Court be pleased to issue a writ of mandamus under Article 226 of the Constitution of India, directing the Defendants to stay all demolition proceedings against the residential structures of the Petitioners over the property situated at Mauza Mithapur, P.S. Phulwari Sharif, District Patna bearing Mauza Mithapur, P.S. Phulwari Sharif, District Patna (Tauzi No. 499, Khata No. 142, Khesra No. 197), 17 decimal parcel of land.

3. That this is an application for issuance of writ in the nature of Mandamus directing the Respondents to withdraw the impugned notice and to cease and desist from taking any coercive steps, including demolition or dispossession, against the Petitioners and their dwelling



houses standing on the Suit Property, without following due process of law and in accordance with the specific legal protections afforded to members of the Scheduled Caste community, dwelling sans due process of law, statutory compliance, prior rehabilitation and without exhausting the rigours of the Bihar Public Land Encroachment Act, 1956 and the Bihar Land Encroachment Rules, 1978.

4. That consequent thereto, issue a writ of prohibition restraining the respondents from proceeding further under the garb of the impugned notice and restraining the Respondents, their agents, servants, and assigns from demolishing or dispossessing the Petitioners from the Property, described in Schedule-A of the plaint, where they have been residing and possess lawful rights and to Declare that the Petitioners have acquired lawful right, title, and interest in the Property by virtue of the Hukumnama dated 01.03.1940 and/or by adverse possession for over the statutory period.

5. That for issuance of writ in the nature of Mandamus directing Respondents to conduct thorough inquiry into the claims of the Petitioners and to provide them with adequate rehabilitation or alternative accommodation if any genuine encroachment is established (which is strongly denied by the Petitioners), in accordance with law and constitutional principles, before any demolition is contemplated.”

3. Learned counsel for the petitioners submits that the notice, in question, does not indicate any details of the land, over which the Railway claims to be the owner of such land and the said land belongs to them, while the case of the petitioners is



that they are paying rent to the State authorities and are residing over the land in question since 1940. It is next submitted that since the notice in question does not indicate any details of the land, which is said to have been claimed to be the land belonging to the Railways, the petitioners are also not in a position to submit their appropriate response.

4. On the other hand, learned counsel for the Eastern Middle Railway submits that the disputed land belongs to the Eastern Middle Railway but, does not contradict the factual positions of the notice and the discrepancies as raised by the counsel for the petitioners.

5. Considering the submission of the parties and on perusal of the notice, in question, this Court finds that the notice is vague, bears no details of the land which belongs to the Railway authorities and the same is said to have been encroached by these petitioners and, accordingly, on finding the notice to be vague, this Court has no hesitation in quashing the same and, accordingly, the notice dated 16.01.2026, appended to the writ petition, is hereby quashed, and the Railway Authorities are directed to issue a fresh notice containing full details of the land in question. Thereafter, after affording an opportunity of hearing to all concerned and adjudicating the petitioners' claim



with reference to the revenue records, they shall pass a final order and if the petitioners feel aggrieved with the same, in such event, the petitioners will be a liberty to take appropriate remedy as is available in law.

6. With the aforementioned observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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