

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3033 of 2025

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Barti Devi Wife of Shri Ram Bachan Bhagat, Resident of Village - Sansa,
P.S.- Daud Nagar, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Collector, Aurangabad.
3. The Sub-Divisional Officer, Daud Nagar, District- Aurangabad (Bihar).
4. The Anchal Adhikari, Daud Nagar, District - Aurangabad (Bihar).
5. The Block Development Officer, Daud Nagar, District - Aurangabad (Bihar).
6. Chhote Sharma, Son of Anirudh Sharma, Resident of Village - Sansa, P.S. Daud Nagar, District - Aurangabad (Bihar).
7. Ram Pravesh Sharma, Son of Anirudh Sharma, Resident of Village - Sansa, P.S. Daud Nagar, District - Aurangabad (Bihar).
8. Jay Ram Sharma, Son of Anirudh Sharma, Resident of Village - Sansa, P.S. Daud Nagar, District - Aurangabad (Bihar).
9. Mukesh Kumar Sharma, Son of Anirudh Sharma, Resident of Village - Sansa, P.S. Daud Nagar, District - Aurangabad (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Adv. Mr. Rohit Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader (27) Mr. Shankar Kr. Thakur, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-07-2026 Heard learned counsel for the petitioner and learned
counsel for the respondent.

2. The instant writ petition has been filed for issuance
of direction(s), order(s) or writs for granting the following
relief(s) :-

(i) A *Mandamus*
commanding/directing the *respondent*



authorities concerned to remove the encroachment from Plot No.4820 corresponding to Khata No.344, which is Gairmazarua Aam land adjacent to the chart of Nahar that is only way for the petitioner family from her house but the same has been encroached by the private respondent Nos. 6 to 9 whereby access of the petitioner has become difficult.

(ii) A mandamus restraining the respondents from creating any obstruction/disturbance by encroaching the Government land in question which is situated between the house of petitioner and chart of Nahar and the same is being used as the approach Path/Passage and the aforesaid land has been recorded as Gairmazarua Malik/Parti Kalim in the Revenue records.

(iii) A mandamus directing the respondent authorities concerned to initiate a land encroachment proceeding for vacating the land in question for which a direction was already been given by the Respondent S.D.O. Daudnagar but no any action are being taken by the authorities concerned due to which the passage of petitioner has been closed by the Respondents concerned.

(iv) Any other writ or writs for granting any other relief(s) for which the petitioner is found entitled to in facts and circumstances of the present case.

3. Learned counsel for the petitioner submits that the land pertaining to Plot No. 4820 Khata No. 344, is a Gairmazarua Aam land which is adjacent to the canal and the



revenue authorities have also declared the land to be public land and appropriate encroachment proceeding bearing Encroachment Case No.01/2025-26 has already been initiated. Notices to all concerned under Section 3 of Bihar Public Land Encroachment Act, 1956 (in short 'Act 1956') have been issued but the proceeding so drawn by the Circle Officer vide Encroachment Case No.01/2025-26 has not been completed.

4. On the other hand, learned counsel for the State submits that the proceedings have been drawn. Notices under Section 3 of Act 1956 have been issued. Appropriate directions may be issued to Circle Officer to conclude the same within the statutory period prescribed under the Act.

5. Considering the stand of the parties, petitioner is directed to make a fresh representation along with the copy of this order to the Circle Officer, Daudnagar, Aurangabad within a period of three weeks from today. Once, such application is filed, it is made clear that Circle Officer, Daudnagar, Aurangabad shall take steps to conclude the encroachment proceeding aforementioned after giving due hearing to all concerned and seeking response of the alleged encroachers, final order shall be passed in reference to the revenue records maintained in the office. Once, it is found that the land in



question is public land, as defined under Section 3 of the Act, 1956, and that it is under encroachment, the same shall be made encroachment-free within the statutory period prescribed under the Act.

6. With the aforesaid observations and directions, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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