

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3114 of 2025

Sanjeev Kumar Son of Late Kamleshwar Jha, R/o Village- Kastahara Sahit
P.S.- Vidyapatinagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Deputy Collector Land Reform, Samastipur.
4. The Circle Officer, Vidhyapati Nagar, Dalsinghsarai, District- Samastipur.
5. Ram Lagan Sah Son of Anik Sah, R/o Village- Sahit Kasthara, Police Station- Vidhyapati Nagar, District- Samastipur.
6. Yogendra Jha Son of Tokhan Jha, R/o Village- Kasthara Sahit, Police Station- Vidhyapati Nagar, District- Samastipur.
7. Ranendra Prasad Singh Son of Dawarika Singh, R/o Village- Kastahara Sahit, P.S.- Vidyapatinagar, District- Samastipur.
8. Dhirendra Singh Son of Tirpit Narayan Singh, R/o Village- Kastahara Sahit, P.S.- Vidyapatinagar, District- Samastipur.
9. Ashok Kumar Singh Son of Late Shivji Singh, R/o Village- Kastahara Sahit, P.S.- Vidyapatinagar, District- Samastipur.
10. Suresh Jha Son of Sofi Jha, R/o Village- Kastahara Sahit, P.S.- Vidyapatinagar, District- Samastipur.
11. Ganesh Jha Son of Sofi Jha, R/o Village- Kastahara Sahit, P.S.- Vidyapatinagar, District- Samastipur.
12. Chandan Jha Son of Raja Ram Jha, R/o Village- Kastahara Sahit, P.S.- Vidyapatinagar, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Government Pleader (26)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

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

2. The instant writ petition has been filed for the
following relief(s) :-



(i) *For issuance of a writ in the nature of certiorarified mandamus, commanding and directing the respondent authorities to quash the proceedings initiated under Encroachment Case No. 04/2023-24, insofar as it pertains to the petitioner, which was initiated pursuant to the order dated 26.09.2023 passed in CWJC No.2583 by Hon'ble Mr. Justice Mohit Kumar Shah.*

(ii) *For issuance of a direction to respondent no. 3 to demarcate the government land meant for Aam Rasta situated in Mauza-Sahit, Khata No. 1243, Plot No. 3740, measuring approximately 8 feet in width and 150 feet in length.*

(iii) *For issuance of a writ in the nature of mandamus, commanding and directing the respondent authorities not to give effect to the notice dated 25.11.2024, issued by the Circle Officer, Vidhyapati Nagar, Samastipur.*

(iv) *For issuance of any other order(s) or direction(s) to which the petitioner may be legally entitled, based on the facts and circumstances of the present case, as stated hereinafter.*

3. Learned counsel for the petitioner submits that the land pertaining to Plot No.3740, Khata No.1234 at Mauza-Sahit, is a *Aam Rasta*, measuring 8 feet in width and 150 feet in length and the revenue authorities have also declared the land to be Aam Rasta and appropriate encroachment proceeding bearing Encroachment Case No.04/2023-24 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.04/2023-24 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, Vidhyapati Nagar, Dalsinghsarai, Samastipur 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 with details of the land which according to him is under encroachment along with the copy of this order to the Circle Officer, Vidhyapati Nagar, Dalsinghsarai, Samastipur, within a period of three weeks from today. Once, such application is filed, it is made clear that Circle Officer shall take steps to conclude the encroachment proceeding drawn vide Encroachment Case No.04/2023-24 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 *Aam Rasta*, 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.

(Ajit Kumar, J)

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