

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4038 of 2025

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Srinarayan Giri Son of-Late Ramkailash Giri, R/o-Village- Mathiya Birt, P.S-
Chhauradano, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Revenue and Land Reforms, Patna.
2. The District Magistrate, East Champaran
3. The Sub-Divisional Officer, Raxaul, East Champaran
4. The Circle Officer, Chhauradano, East Champaran
5. The Circle Amin, Chhauradano, East Champaran
6. The SHO, Chhauradano, East Champaran
7. Rampravesh Ram, Son of Sukhari Ram Resident of Vill- Jeetpur, P.S- Chhauradano, District- East Champaran
8. Jaimangal Ram, Son of Sukhari Ram Resident of Vill- Jeetpur, P.S- Chhauradano, District- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar
For the Respondent/s : Mr.Government Advocate (13)

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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. Learned counsel for the petitioner by referring to
the postal receipts submits that the notices were sent on
10.01.2025.

3. In view of the statement made, the defect No.96 is
hereby ignored.

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



(i) For issuance of an appropriate writ and other Writs in the nature of Mandamus commanding / direction to respondents authorities to initiate the proceeding against respondents no-7 to 8 under the Bihar Public Land Encroachment Act, 1956 and after hearing the parties an appropriate order removing the encroachment made over public land being used as public land / Road and he want to build a road on the public land, but respondent no- 7 to 8 have encroachment the land which is situated Thana no-136, Khata no-392, Khesara No 4819, the same is eastern side of petitioner's land, situated in the above said village, on amongst others the following.

(ii) For that the respondent no- 7 to 8 have encroachment the land by constructing the hut and asbestos and other things over the said land, which land has recorded in government records as public land which was being used a public road since long time.

(iii) For that the petitioner filed an application before the respondent no-4 but authority was not instituted the Encroachment case against the encroacher, but without taking any steps under the Bihar Public Land Encroachment Act, which he is duty bound to take and to get the encroachment removed from the public land causing inconvenience to the public in general.

(iv) For that the respondent no- 7 to 8 have got no any right and title to encroached public land and they are liable to be removed from the encroached land of public use /public road.



(v) For that the respondent no- 4 is duty bound to encroach free to the said land for the purpose of public use /public road but no action has been taken by them as yet.

(vi) That any other appropriate writ/writs, order/orders, direction /directions, relief /reliefs as your Lordship may deem fit and proper in the facts and circumstances of the case.

5. At this stage counsel for the petitioner submits that the land pertaining to Khata No.392, Khesara No.4819, Thana No.136, is a public land, over which respondent Nos. 7 and 8 are alleged to have made encroachment and despite the representation having been filed on 10.01.2025 by the petitioner for removing the encroachment, no action has been taken.

6. On the other hand, learned counsel for the State submits that appropriate directions may be issued to the Circle Officer, Chhauradano, East Champaran, to conduct an inquiry into the matter and take appropriate action, in accordance with law, for redressal of the grievance raised by the petitioner.

7. 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, Chhauradano, East Champaran, within a period of three weeks from today. Once, such application is filed, it is made clear that Circle Officer shall take



steps to for redressal of the grievance raised by the petitioner after giving due hearing to all concerned and seeking response of the alleged encroachers. 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.

(Ajit Kumar, J)

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