

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5141 of 2025

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Lalu Singh Yadav @ Lalu Singh Son of Late Nabab Yadav, Resident of Village- Baruna, PO-Baruna Sowatha, PS- Narayanpur, District- Bhojpur-802201.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Revenue Government of Bihar, Patna.
2. The District Magistrate, Bhojpur.
3. The Sub-Divisional Officer, Ara Sadar, District- Bhojpur
4. The Senior Superintendant of Police, District- Bhojpur.
5. The Circle Officer Agiaon, District- Bhojpur.
6. The Officer-in-Charge Narayanpur, District- Bhojpur.
7. Assistant Engineer, Path Lower Division Koilwar. District- Bhojpur.
8. Sitav Kahar Son of Late Jairam Kahar resident of Village- Baruna, PO- Baruna, Sowatha, PS- Narayanpur, District- Bhojpur.
9. Seoji Kahar Son of Late Jairam Kahar resident of Village- Baruna, PO- Baruna, Sowatha, PS- Narayanpur, District- Bhojpur.
10. Ranjit Kahar Son of Sitav Kahar resident of Village- Baruna, PO- Baruna, Sowatha, PS- Narayanpur, District- Bhojpur.
11. Bhaju Kahar Son of Sitav Kahar resident of Village- Baruna, PO- Baruna, Sowatha, PS- Narayanpur, District- Bhojpur.
12. Manjit Kahar son of Seoji Kahar resident of Village- Baruna, PO- Baruna, Sowatha, PS- Narayanpur, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivajee Singh
For the Respondent/s : Additional Advocate General (12)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 06-04-2026 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The instant application has been filed for directing

the respondents to remove encroachment from Zila Parishad

Road passing through Government land pertaining to Khata No.



493, 495, Plot No. 713 and 1057 of Mauza Baruna, Thana No. 365, upon which the private respondents have encroached by constructing “Khaprail House” as well as hut upon the said Government land, due to which the ingress and outgress of the petitioner has been fully obstructed, and further to pass any other order or orders to which the petitioner is found entitled too.

3. At this stage, learned counsel for the State, by referring to the stand taken in the counter affidavit, submits that though the land is recorded as *Anabad Bihar Sarkar* in the revenue records, during the course of the proceedings initiated by the revenue authorities, it has been contended by the alleged encroachers that the land in question was in fact acquired by their ancestors but has mistakenly been recorded as *Anabad Bihar Sarkar* in the revenue records, and that they have a right to continue in possession. It is further submitted, with reference to the nature of the order passed and the stand taken in the counter affidavit, that the ingress and egress of the petitioner is in no way affected by the presence of the alleged encroachers on the land in question.

4. In view of the submissions of the parties, the petitioner is directed to file a fresh representation with regard to



the encroachment in question, giving full details of the persons who have made construction over the land and creating obstruction over the public road by blocking the same.

5. It is expected that once such an application for removal of the encroachment is filed by the petitioner, then the Circle Officer, Bhojpur, will initiate the appropriate proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956 and, after giving notice to all concerned, necessary orders shall be passed, adjudicating the issues in question, and once it is found that the land in question is public land and the same has been encroached by private persons, the same shall be made encroachment-free within the time so allowed under the statute.

6. From the counter affidavit, it appears that the land is recorded as 'Anabad Bihar Sarkar' and the document presented for consideration as Annexure-P/1 is not a final document crystallizing the rights of the parties, as such, while adjudicating the issues in question, insofar as the nature of the land is concerned, if it is claimed by the alleged encroachers that the land is their family land acquired by their ancestors, then, in such event, if the revenue records find substance in such submission, it shall be open to the revenue authorities to decide the same, and in case of legal disputed issues, the authorities



may relegate the issue for appropriate adjudication before the competent civil court. The aggrieved parties shall be at liberty to take recourse to such remedies as are available under law.

7. It is made clear that in case such materials do not appear on record, or the said land is not claimed by any of the parties, then in such event, after resorting to the procedures as prescribed under the Bihar Public Land Encroachment Act, 1956, necessary notices shall be issued and, after hearing the parties concerned, an appropriate decision shall be taken in accordance with the provisions of the Act, within a maximum period of six months, which shall be duly communicated. Upon finding that the public land being under encroachment, necessary steps for removal of such encroachment shall be taken within the time stipulated under the Act or the time allowed by this Court.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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