IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4961 of 2023

CNR No. BRHC010265252023

==========

Md. Asagar Ansari @ Asagar Ansari Son of Md. Gulam Rasul Ansari Resident of Village- Bishunpur Keso, P.S.- Meenapur, District- Muzaffarpur.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development, Department Old Secretariat, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Circle Officer, Minapur, Dist.- Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The Officer In Charge, Meenapur (Panapur O.P.) Police Station, Muzaffarpur.

... ... Respondent/s

==========

Appearance :
For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Respondent/s : Mr. Awadhesh Kr. Singh, GA01

==========

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 06-11-2026 Heard learned counsel for the petitioner and learned counsel for the State-respondents.

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

(i) For direction to the Respondents to remove the Encroachment bearing Mauza Kalyanpur, Thana No.45, Anchal Minapur, Khata No.221, Khesra No.1136 measuring 0.8 Decimal land of Aam Rasta.

(ii) For direction to the Respondents to establish permanent Encroachment Free the Aam Rasta

WEB COPY

which is situated at Mauza Kalyanpur, Thana No. 45, Anchal Minapur, Khata No. 221, Khesra No. 1136, measuring 0.8 Decimal of land.

(iii) For any other relief/ reliefs which is entitled to the petitioner in accordance with law.

3. The petitioner is directed to file a fresh representation before the Circle Officer, Minapur, Muzaffarpur, within a period of three weeks from today, providing details of his earlier representation, along with all supporting materials and a copy of the order passed by this Court, with regard to the encroachment in question. The petitioner shall also give the full details of the persons who have encroached upon the land, which is a public land.

4. It is expected that once an application for removal of the encroachment is filed by the petitioner, an enquiry under Section 2(3) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the "Act of 1956") shall be carried out. Upon finding that the public land is under encroachment, notices under Section 3 of the Act of 1956 shall be issued, and response shall be sought from the concerned persons under Section 4 of the Act of 1956. After giving hearing under Section 5 of the Act of 1956, a final order shall be passed under Section 6(1) of the Act of 1956. Once it is found that the land in

WEB COPY

question is public land and has been encroached upon by private persons, notices in Form-II under Section 6(2) of the Act of 1956 shall be issued, and the encroachment shall be removed within a period of three months, by completing the entire exercise within the period allowed.

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

(Ajit Kumar, J)

rajan/-

U			

WEB COPY