

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4682 of 2026

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Rana Ranjeet Yadav Son of Sunil Prasad Yadav @ Sulin Prasad Yadav,
Resident of Village- Kanp, P.S.- Sour Nagar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Revenue and Land Reform Department, Bihar, Patna.
2. The District magistrate, Saharsa.
3. Sub Divisional Officer, Sadar, Saharsa.
4. The Superintendent of Police, Saharsa.
5. Officer in-Charge Sour Bazar P.S. Saharsa.
6. Circle Officer Sour Bazar, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate
For the Respondent/s : Mr. Addl. Advocate General (07)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-04-2026 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner and the State.

2. The present petition has been preferred for the
following relief(s):

*“for issuance of an appropriate writ/
writ(s)/direction(s)/ order(s) for quashing the order
dated 24.11.2025 contained in Memo No. 3605-2
issued by District Magistrate, Saharsa by which the
District Magistrate has directed the Sub-Divisional
Officer, Sadar, Saharsa to depute Magistrate for
removal of encroachment from the private Raiti land*



of the petitioner which is situated at Mauza Kanp, P.S. Sour Bazar, District- Saharsa at different Plots measuring 5 Bigha 15 Katha 12) Dhur to hand over with a purpose to the possession to a different person namely Umakant Malakar on his application which is totally bad, illegal and further for a direction to the respondent authorities not to disturb the possession of the petitioner from the abovesaid land or from cultivating the said land for any other relief for which the petitioner found entitled to.”

3. The matter relates to certain lands of the petitioner which found incorporated in paragraph-5 of the writ petition.

4. The main grievance of the petitioner is that the fight is with a private individual and the Title Suit No. 228 of 2012 is already pending before a competent Civil Court, Saharsa but in the meantime, the Collector, Saharsa took up the matter for dispossessing the petitioner in the garb of encroachment and as such, appropriate interference is required from this Court.

5. Learned State counsel objects to the said submission and submits that the action of the concerned respondent took place on the petition of one Umakant Malakar who has not been made party-respondent in the present case. The submission is that in any case, Title Suit No. 228 of 2012 is pending before a competent



Civil Court where the petitioner can raise all the points which is part of the writ petition.

6. This Court is in conformity with the submission put forward by the learned State counsel. In the absence of Umakant Malakar, no direction can be issued. Further, Title Suit No. 228 of 2012 is pending whereby filing an appropriate petition, the petitioner can agitate the matter. Alternatively, since the Collector has proceeded in the matter, liberty is given to the petitioner to approach respondent no. 2, the Collector, Saharsa by filing an appropriate petition who will be duty bound to issue notice to all the aggrieved party and pass an appropriate reasoned order thereafter.

7. The writ petition stands disposed of with the aforesaid observation.

8. Any development that will take place shall be subject to the final outcome of the order passed by the authorities/competent Court.

(Rajiv Roy, J)

Adnan/-

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