

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5309 of 2025

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Babu Lal Rajak Son of Late Ramdhan Rajak, Resident of Village- Govindpur,
Ward No. 14, P.O.- Rampur, P.S.- Suryagarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate-cum-Collector, Lakhisarai.
3. The Additional Collector, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai.
5. The Deputy Collector, Land Reforms, Lakhisarai.
6. The Circle Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-03-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

(1) To issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the Circle Officer, Suryagarha (Hereinafter referred to as respondent No.6) to remove the encroachment from the public land appertaining to Khata No.754, 888 and Khesra No.2046 and 2037 situated in Mauza Rampur, P.S. Suryagarha, District-Lakhisarai encroached by the villagers by erecting boundary wall and house causing inconvenience to the public at large passage through the way.



(II) To direct the respondent No.6 to expedite the hearing of Encroachment Case No.12 of 2023-24 initiated under section 3 of the Bihar Public Land Encroachment Act under the Bihar Public Land Encroachment Act 1956 and conclude the same with logical end.

(III) To direct the respondent No.6 to remove the encroachment from the land in question taking note of the fact that he is a competent authority under the Bihar Public Land Encroachment Act 1956 remove the encroachment from the public land.

(IV) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that on the application made by the petitioner, Encroachment Case No.12 of 2023-24 initiated under Section 3 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to the 'Act of 1956') has been registered and notices under Section 3 of the Act of 1956 has also been issued but, till date, for no prudent reason, the further proceedings have not been concluded by passing final order in the aforementioned Encroachment Case.

4. On the other hand, learned counsel for the State submits that proceedings have already been initiated on the basis of application filed by the petitioner and the authorities may be directed to conclude the same, as notices to all concerned under Section 3 of the Bihar Public Land



Encroachment Act, 1956, have already been issued.

5. Considering the submission of the parties, this Court finds it appropriate to direct the District Magistrate-cum-Collector, Lakhisarai, to issue necessary direction upon the concerned authorities for initiating 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 raised by the petitioner, and to take a final decision in the matter and in case, the land in question is found to be a public land under encroachment, the same shall be made encroachment free within the time so allowed under the statute.

6. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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