

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6663 of 2025

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Babulal Jha Son of Late Shankar Nath Jha, Resident of Village- Tardiha,
Biwachak, Post- Baluachak, P.S.- Bypass (Jagdishpur), District- Bhagalpur.
... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Addl. Collector, Bhagalpur.
4. The Deputy Collector, Land Reforms, Bhagalpur.
5. The S.D.O., Bhagalpur.
6. The Circle Officer, Jagdishpur, District- Bhagalpur.
7. Shaligram Yadav, Son of Baijal Yadav, Resident of Village- Tardiha, Post- Baluachak, P.S.- Jagdishpur, District- Bhagalpur.
8. Dharmdas Shukla @ Ranjan Shukla, Son of Shivshankar Shukla, Resident of Village- Tardiha, P.O.- Baluachak, P.S.- Jagdishpur District- Bhagalpur.
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Kumar Jain, Adv.
For the Respondent/s : Addl. Advocate General(13)
Mr. Sulabh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 11-05-2026 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. The instant writ Petition has been filed for issuance of appropriate writ/direction/order to the respondent for removal of encroachment from the Public Road (*Gair Majrua Aam Rasta*) Gonudham to Manmodhachak village Road, which has been illegally encroached by the Private Respondent No. 7 and 8 by making boundary wall and gate on the said road in question which was being used by the villagers since time immemorial as



a passage for going to the village- Manmodhachak, Chakphatma.

3. Learned counsel for the petitioner submits that there is a 35 feet wide public road from Gonudham to Manmodhachak village Road (Gair Majrua Aam Rasta) situated at Vill- Tardiha, Jagdishpur, Bhagalpur and the said road has been shown in the survey map of the village in Khata No. 122, Khesra No. 157. It is the case of the petitioner that the said public land is under encroachment and the petitioner has already filed an application for initiation of encroachment proceedings under Bihar Public Land Encroachment Act, 1956. Despite such representations having been made and similar interference being made by this Court in earlier proceedings, nothing is said to have been done, and even the requisite proceedings for making said public land encroachment-free, has not been carried out by the Circle Officer, Jagdishpur, Bhagalpur.

4. Respondent no. 7 and 8, oppose the prayer of the petitioner by submitting that the petitioners themselves are under encroachment and unnecessarily, the petition for ulterior reasons have been filed and without there being any descriptions of land which are said to be a public land under encroachment of respondent no. 7 and 8, the Writ Petition has been filed.



5. Counsel for the State submits that since the petitioner has alleged that the public road is under encroachment and if such allegations of the petitioner has some substance, in such event, the Circle Officer, Jagdishpur, Bhagalpur, may be directed to initiate appropriate proceedings under Bihar Public Land Encroachment Act, which may be directed to be concluded in accordance with the law after giving opportunity of hearing and seeking responses of all concerned in such proceedings, in which, the allegations of encroachment of public land, becomes the subject matter of adjudication by the Revenue Authorities.

6. Considering the stand of the parties, this court directs the petitioner to file a detailed representation to show that the land in question is a public land and as also the same is under encroachment and upon filing of such representations with all supportive details, the Circle Officer, Jagdishpur, Bhagalpur is to verify the same and, once such verification is made, and the land in question is classified as public land, then after giving opportunities of hearing to the persons, who are said to be found under encroachment, the necessary steps shall be taken by passing a reasoned and speaking order under 6 (1) of the Bihar Land Encroachment Act, 1956 and follow up actions shall be taken within three months from the date of



representation as per the provisions of the said Act.

7. The writ petition stands disposed of with the above observation and direction.

(Ajit Kumar, J)

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