**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Miscellaneous Jurisdiction Case No.871 of 2026**
**In**
**Civil Writ Jurisdiction Case No.9471 of 2025**

**CNR No. BRHC010317352026**

==========

Narsingh Mishra S/O Ram Janm Mishra, Resident of village- Phulwaria, P.S.- Maker, District- Saran.

... ... Petitioner/s

Versus

1. The State of Bihar through Amrit Pratayay, the Chief Secretary, Bihar, Patna.
2. Mihir Kumar Singh, the Additional Chief Secretary, Department of Road Contraction, Bihar, Patna.
3. Vaibhav Srivastava, the District Magistrate, Saran.
4. Nirmala, the Circle Officer, Maker, District- Saran.

... ... Opposite Party/s

==========

**Appearance :**
For the Petitioner : Mr. Sunil Kumar Singh, Advocate
For the Opposite Parties : Mr. Lokesh Kumar, AC to AG
Mr. Aman Priyadarshi, RC to AG

==========

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**
**and**
**HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)**

4 30-10-2026 Heard learned counsel for the parties.

2. The present contempt application has been filed alleging non-compliance with the order dated 12.09.2025 passed in C.W.J.C. No. 9471 of 2025, which came to be disposed of by observing as follows:-

> ***"(2)*** *Perusal of the counter affidavit, respondents have stated that the alleged encroachment have been removed. Learned*

WEB COPY

*Advocate General submitted on instruction that after removal of the encroachment for more than one occasion there are resurfacing on the subject land, in such an event the official respondents are hereby directed to initiate criminal prosecution against such of those persons who are illegally encroaching time and again and further take necessary steps in this regard to remove resurfaced illegal encroachment as on this day and communicate the decision of removal of encroachment and criminal action taken against such of those persons to the petitioner within a period of three months from the date of receipt of this order. For the reason that no person has a right to encroach upon public land; right to livelihood cannot over ride public rights as held by the Hon'ble Supreme Court in the case of* ***Municipal Corporation of Delhi vs Gurnam Kaur, (1989) 1 SCC 101****. Concerned officials may take note of*

WEB COPY

***Jagpal Singh & Ors. vs. State of Panjab, (2011) 11 SCC 396*** *read with Section 166 of the IPC, and Sections 441, 447, 268, 290, 133, 144 of the Cr. P.C."*

3. A show-cause has been filed on behalf of Opposite Party Nos. 1 & 2, wherein following statements have been made:-

*"**(5)**. That it is humbly submitted that the an FIR No. 170/2025 has been lodged on 10.07.2025 against the encroachers on the public land, in compliance of order passed in the connected writ petition no CWJC 9471 of 2025, which is evident from letter no. 86 dated 15.01.2026 of Executive Engineer, Road Division, Sonepur.*

***(6)*** *That it is humbly submitted that Joint Inspection, was made in the presence of IO of the case, Junior Engineer and Anchal Amin between, Kamla Das Math to Mishra Market ( Maner Bazar), on 19.01.2026 and it has been reported that the road in question is encroachment free.*

WEB COPY

***(7)*** *That it is humbly submitted that FIR has been lodged bearing FIR No. 170/2025 against the encroachers of the public land in compliance of the order passed in Civil Writ Petition bearing CWJC No. 9471 of 2025."*

4. In view of the aforesaid, this Court is of the view that no further order is required to be passed in the present application as the order under contempt has already been complied with.

5. Accordingly, the present application stands disposed of.

6. Pending application(s), if any, shall also stand disposed of.

**(Sudhir Singh, J)**

Ibrar//- **(Rajesh Kumar Verma, J)**

| | | | |
|---|---|---|---|
| **U** | | | |

WEB COPY