

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5544 of 2026

Ashwini Kumar Tiwari Son of Late Dhanvantari Tiwari, Resident of Village- Shiv temple, Bhediya, Post Office- Thawe, Police Station- Thawe, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue Department, Government of Bihar.
2. The District Magistrate, Gopalganj, Bihar.
3. The Additional Collector, Gopalganj, Bihar.
4. The Sub-Divisional Officer, Gopalganj, Bihar.
5. The Circle Officer, Thawe, District- Gopalganj, Bihar.
6. Rajat Kumar Barnwal, the then Circle Officer, Thawe, District- Gopalganj, Bihar.
7. Loknath Singh, Son of Dwarika Singh, Resident of Village- Bhediya, P.O and P.S- Thawe, District- Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Advocate
For the State	:	Mrs. Nutan Sahay, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-06-2026 Heard Mr. Shashwat Srivastava, learned counsel for the petitioner and Mrs. Nutan Sahay, learned AC to AAG-12 representing the State.

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

“(i) for issuance of an appropriate writ, order or direction, including a writ in the nature of Mandamus, commanding the respondent authorities to remove the illegal and



unauthorized encroachment from the entire public land bearing Khata No. 173. Khesra No. 538, measuring 06 (six) decimal, recorded as Gair Majarua Malik prati kadim land, encroached by the Private Respondent No. 7, after due demarcation by the competent authority and in the presence of the Petitioner, and thereafter to identify the actual encroacher(s) and initiate appropriate proceedings against them in accordance with law, including imposition/enhancement of penalty, recovery of damages, and taking coercive steps, so as to restore the land to its original public use and prevent further encroachment. In this regard, the direction was given by the Additional Collector, Public Grievance Cell, Gopalganj vide order dated 05.05.2021 to the Circle Officer, Thawe but encroachment has not been removed.

(ii) pass such other Order/Orders as your Lordships may deem fit and proper.”

3. The grievance of the petitioner is that the land



around him is a public land which has been encroached by the local people and despite complaint to the Circle Officer, Thawe, Gopalganj, no step has been taken. The petitioner even moved before the Public Grievance Redressal Authority as also the Collector, Gopalganj but without any proper breakthrough in the matter. In fact, the Public Grievance Redressal Authority earlier directed the Circle Officer, Thawe to look into the matter and do the needful but it has not been taken care of.

4. Though pursuant to the last order passed by the coordinate Bench, the State failed to file any reply, learned State counsel has provided the copy of notice dated 04.07.2023 to show that an Encroachment Proceeding No. 01 of 2023-24 was initiated against the petitioner also who duly received and put in his initial on 13.12.2023.

5. In that background, this Court is of the opinion that instead of keeping this case pending after imposing cost upon the respondents, it would be appropriate that the writ petition is disposed of directing the Circle Officer, Thawe, Gopalganj (respondent no.5) to look into the matter and initiate encroachment proceeding against each and every person who has encroached the government land in question which has already been detailed out in para 1 of the writ petition and forms



part of the present order.

6. The entire process is to be completed in next four months for which the notices have to be issued within a period of two weeks from the date, the copy of the order is handed over to his/her office.

7. So far as the allegation that has been made by the petitioner against the Circle Officer, Thawe, Gopalganj, Mr. Rajat Kumar Barnwal, as reflects from paragraph no.13 and 14 of the writ petition, the petitioner should approach the appropriate authority/Vigilance Bureau so that an enquiry can take place in the matter.

8. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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