

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6353 of 2026

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Shyam Kishore Prasad Singh Son of Late Kailash Singh, Resident of village-
Kewali, Police Station and Block- Kowakol, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate, Nawadah.
3. The Sub-Divisional Officer, Nawadah Sadar, District- Nawadah.
4. The Circle Officer, Kawakol, District- Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Respondent/s : Mr.Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*“1. I. For issuance of a writ in the nature of
mandamus commanding and directing upon the
Respondents concerned specially Respondent No.4 to
initiate proceeding Under Bihar Public Land
Encroachment Act for illegal occupying and
encroachment upon Public Land bearing Khata No.433,
Khesra/Plot no.757, 618, 617, 539, 540, 512 situated
under Mauza Sundari, Anchal-Kawakol, District-
Nawadah which is Gairmazarua Aam/Anabad Sarva
Sadharan as well as Rasta and some of is Payn (Water
bodies) which has illegally been encroached by*



influential person of the village blocking the Rasta and Water flow causing vehicular inconvenience to the petitioner and entire villagers regarding which complain/ application has been submitted before Respondent Circle Officer, Kawakol and copy of the same was also sent to the Respondent D.M. Nawadah but till date no action has been taken which is illegal in the eye of law.

II. For further direction upon the Respondent No.4 to take all effective steps to remove the encroachment from the Public land which is in shape of Rasta and Water bodies as per Khatiyani after following the norms prescribed under provision of Bihar Public Land Encroachment Act within time frame as only with a view of eye wash only notices are sent to some of selected persons leaving influential person without initiating any proceeding under the Act and passing final order which has emboldened such wrongdoers who used to threaten the petitioner for dire consequences.

III. For grant of any other relief/reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.”

3. Counsel for the petitioner submits that for the purpose of removal of illegal encroachment over the public land which is earmarked as Rasta and waterbodies, the petitioner has filed representation dated 04.01.2025 before the District Magistrate, Nawadah as well as Sub-Divisional Officer, Nawadah and as also the Circle Officer, Kawakol with signature of hundred of villagers apprising their problems. It is next



submitted that when no encroachment proceeding was initiated, the petitioner along with other villagers again filed representation dated 20.02.2026 before the Circle Officer but, till date, no action has been taken for removal of the encroachment.

4. In view of the above, the petitioner is directed to file a fresh representation before the Circle Officer, Kawakol, Nawadah, regarding the encroachment in question, providing full details of the persons who are alleged to have encroached upon the public land, thereby blocking the flow of water and the common rasta, causing inconvenience to vehicular movement for the petitioner and other villagers.

5. It is expected that once such an application for removal of the encroachment is filed by the petitioner, then the Circle Officer, Kawakol, Nawadah will initiate the appropriate proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956 (in short, 'Act, 1956') and, after giving notice to all concerned, necessary orders shall be passed by resorting to the procedure as provided under Section 5 and 6 of the Act, 1956, adjudicating the issues, in question, and once it is found that the land, in question, is a public land and the same has been encroached by the private persons, the same shall be



made encroachment free within the period of three months.

6. It is expected that the entire exercise shall be carried out and concluded within the time so specified from the date of initiation of proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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