

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6739 of 2026

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1. Yoginder Mahto S/o Chaturbhuj Mahto, Resident of village - Gousapur, P.O.- Pagahia, Aima, P.S.- Kathaiya, District - Muzaffarpur.
 2. Chandeshwar Mahto, S/o Chaturbhuj Mahto, Resident of village - Gousapur, P.O.- Pagahia, Aima, P.S.- Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Respondent/s : Mr.Kamlesh Kishore, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-07-2026 Heard the parties.

2. The present petition has been preferred for the following relief/s:

- (i) *the respondents impugned act of declaring the petitioners as encroacher so targeting her land be declared illegal, arbitrary without any sanction, of law and in violation of Principle of Natural Justice and accordingly be set at naught;*
- (ii) *the measurement report of the Circle*



Officer prepared behind the back of the in speaking about the encroachment done by the petitioners on plot no. 443 to the extent of 2 decimal so without giving specification be declared as illegal, arbitrary and without any sanction of law;

(iii) the petitioners be allowed to enjoy her property with all right, title, interest and possession as descendant of the raiyati owner of the property;

(iv) the respondents be directed to grant all the consequential benefits to the petitioner in the facts and circumstances of the case for the ends of justice.

3. The petitioners are aggrieved by the steps being taken by the Revenue Authority to remove the encroachment.

4. Earlier, one Amir Ram moved before this Court in C.W.J.C. No. 7080 of 2022 which was disposed of on 11.08.2022 by a coordinate bench allowing the petitioners to approach the Circle Officer, Motipur, Muzaffarpur for the redressal of the grievance.

5. This followed the contempt petition as the Circle



Officer, Motipur, Muzaffarpur failed to act and the MJC No. 323 of 2023 was disposed of on 31.01.2025 after recording that some of the encroachment has been removed and for others, he have the liberty to move before the Collector, Muzaffarpur.

6. It is to be noted that the notice to the encroachers was issued on 30.12.2024, encroachment removed which followed the disposal of the MJC petition on 31.01.2025. Further, in the list of the encroachers who have been noticed, this Court failed to locate the names of the petitioners, if at all any notice is/are issued, the petitioners are required to submit proper reply alongwith supporting documents in favour of their case.

7. So far as, this case is concerned, it is misconceived, ill-advised and is dismissed with a cost of Rs.1000/- to be deposited with the Patna High Court Legal Services Committee within a period of four weeks failing the realization shall be done in accordance with law.

(Rajiv Roy, J)

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