

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6999 of 2026**

Shiva Shankar Prasad Yadav Son of Late Nathuni Ray Resident of village-  
Jhitkahiya, Ward No.- 01, Panchayat Bakhri, P.O- Tikuliya, Block and P.S.-  
Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The Sub Divisional Officer, Raxual.
4. The Block Development Officer, Adapur, East Champaran.
5. The Panchayat Secretary, Gram Panchayat Bakhri, Anchal- Adapur, East Champaran.
6. The Junior Engineer, Panchayati Raj Department/ Rural Development Department, Adapur Block, District- East Champaran.
7. The Circle Officer, Adapur, East Champaran.
8. The Gram Panchayat- Bakhri, through Mukhiya, Anchal- Adapur, East Champaran.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate  
For the Respondent/s : Mr. Government Pleader (11)

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      09-07-2026                      Heard learned counsel for the petitioner and learned  
counsel for the Respondent-State.

2. The instant writ application has been filed for the  
following relief(s):-

*(i) To issue Writ of Mandamus or any other  
appropriate Writ order commanding Respondents  
particularly, Respondent No. 3 to 6 & 8 to  
forthwith Demolish/remove the part of concrete  
drainage built beyond the sanctioned length by  
Respondent No. 4 to 6, 8 under Government*



*Scheme, over the only Plain Cement Concrete link Road (Hereinafter, referred as, PCC road) connecting Petitioner's residential house to the main road and consequent blocking hampering / obstructing the movement & approach to Petitioner's residential house.*

*(ii) To issue consequential Writ of mandamus or any other appropriate Writ order direction commanding Respondent No. 2 to 6 to immediately restore the aforesaid part of the PCC link road to proper grade level, ensuring safe, obstruction-free and emergency-ready minimum 4-wheeler ambulance / motor-vehicular access to the Petitioner's residence.*

*(iii) To issue consequential Writ of Mandamus or any other appropriate Writ order commanding Respondents particularly, Respondents No. 1 to 3 to forthwith take civil and criminal action against the erring officers and contractor, who deliberately without application of mind sanctioned, build, raised and approved the aforesaid drainage crossing the said PCC link road making the same practically inaccessible, for illegal gratification and for causing huge loss to public exchequer by increasing the budget of the said drainage construction.*

3. The petitioner is directed to file a fresh representation with regard to the encroachment, in question, giving full details of the persons who have made construction over the land and creating obstruction over the public road by blocking the same.

4. It is expected that once such an application for removal of the encroachment is filed by the petitioner, then the



Circle Officer, Adapur, East Champaran, will initiate the appropriate proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956 and, after giving notice to all concerned, necessary orders shall be passed, 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 time so allowed under the statute.

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

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

**(Ajit Kumar, J)**

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