

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7544 of 2026

1. Kamlawati Singh Wife of Dr. Arvind, resident of station road Bakhtiyarpur Gram Pabaich, Post-Bakhtiyarpur, P.S.- Bakhtiyarpur, District- Patna, Bihar.
2. Vikas, Son of Dr. Arvind, resident of station road Bakhtiyarpur Gram-Pabaich, Post- Bakhtiyarpur, P.S.-Bakhtiyarpur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, State of Bihar, Patna.
2. The Director General of Police, Bihar.
3. The Senior Superintendent of Police, Patna.
4. The District Magistrate, Patna, Bihar.
5. The Sub-Divisional Magistrate, Barh, Patna, Bihar.
6. The Deputy Collector Land Reforms, Barh, Patna, Bihar.
7. The Circle Officer, Bakhtiyarpur, Patna, Bihar.
8. The Station House Officer, Bakhtiyarpur, Patna, Bihar.
9. Bakhtiyarpur Nagar Parishad, through its Nagar Parshad, Bakhtiyarpur, Patna.
10. Jaymanti Sinha, Wife of Rajshekhar Rakesh, resident of behind middle school, P.S.-Bakhtiarapur, Dist.- Patna.
11. Anushristi Saushilya, Daughter of NOT KNOWN, Resident of Gun Factory, Purani Bazar, PO- Bakhtiyarpur, PS- Bakhtiyarpur, Bakhtiyarpur, Patna, Bihar- 803212.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate Mr. Manu Tripurari, Advocate Mr. Raghu Raj Pratap, Advocate Ms. Tanu Priya, Advocate
For the State	:	Mr. Raghwendra Kumar, SC-22

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-07-2026 Heard Mr. Manu Tripurari, learned counsel for the

petitioner and learned counsel representing the State.

(i) Issuance of direction order or



any other appropriate writs/orders/directions for directing the Respondents authorities, for removing illegal encroachment from the Petitioners land comprised in Mauja- Bakhtiarpur, Khata No.26, Khesra no.640, thana No. 141, District- Patna having area 4.13 Kattha

(ii) Issuance of appropriate writ/order/directions to direct the respondent no. 6 & 7, to produce the action taken report on the representation/complaints of the Petitioners.

(iii) Issuance of appropriate writs/order/direction to direct the respondent no. 10 to immediately cease all further construction activities on the petitioner's land and further direct the Respondent No. 7 (Circle Officer) to ensure the



physical demarcation is completed with police protection as per the scheduled measurement which was earlier obstructed.

(iv) Any other/ reliefs that the petitioner may found to be entitled to in the facts and circumstances of the present case.

3. The two petitioners are mother and son and claim to be the lawful owners of a piece of land having following details:

(i) Khata No. 26

(ii) Keshra No.640

(iii) Thana No. 141

(iv) Mauja- Bhaktiyarpur

(v) District-Patna

(vi) Area- 6 dhur, 13 durki, 7 phurki

(approx. 4.13 kattah)

4.The respondent no.10 is their neighbor having land at the same place and the voluminous writ petition shows that litigation between parties is/are continuing for long.

5. In continuation of that, the petitioner wanted measurement of the land and preferred petition before the Circle



Officer, Bhaktiyarpur on 24.07.2024.

6. The submission is that subsequently, the measurement took place and the details stand incorporated in a letter dated 28.01.2025 issued by the Circle Officer, Bhaktiyarpur to the Nodal Officer, office of the Collector, Patna (Annexure P/17 to the writ petition).

7. The matter later moved before the Sub-Divisional Magistrate, Barh, Patna and vide an order dated 07.05.2025, he directed both the parties to refrain from taking up any construction work.

8. Learned counsel for the petitioner submits that this matter has not been taken to its logical conclusion yet, though parties have appeared.

9. The development in between is that for the 01 decimal of land which the petitioners and the respondent no.10 are fighting out, another respondent (resp. no.11) has stepped in and claiming herself to be heirs of late Om Prakash Narayan Sinha sold the aforesaid 01 decimal of land to the respondent no.10.

10. The submission is that she is an impostor and the family certificate issued by the Circle Officer, Bhaktiyarpur dated 07.06.2019 shows that late Om Prakash Narayan Sinha



who died on 01.04.2019 was survived by Shubhamdhar Manipriyatam, Kumar Shaurya and Shivamdhar, Rishabh Priyan.

11. The submission is that the respondent no.10 is acting illegally causing disturbance each and every day, the SDM, Barh has taken note of that but having found no light on other side in the tunnel, the writ petition.

12. Learned State counsel on the other hand submits that the entire facts reflects only one thing, it is a private dispute between the parties which can very well be agitated before the learned Sub-Divisional Magistrate, Barh and/or the competent civil court. Both the parties admittedly are in peaceful physical possession of their respective lands and only for a piece of 01 decimal land which lies between the land of the petitioners and also the respondent no.10, the entire litigation.

13. The further submission is that if an illegal construction is being made, the appropriate authority is Bhatikyarpur Nagar Parishad, but the document do not show that the petitioners ever put forward their grievance before the said respondent no.9.

14. Having heard the parties and perusing the record, this Court finds the submission put forward by the learned State



counsel as just and proper. As per their own admission, the Sub-Divisional Magistrate, Barh has taken note of the fact and while restraining the parties from making any construction on 01 decimal land, the said case still remains pending where all the points can be put forward. So far as the illegal construction by parties are concerned, again, the Bhaktiyarpur Nagar Parishad is well equipped to take care of that.

15. If the petitioner approaches either the Sub-Divisional Magistrate, Barh, Patna or the Bhaktiyarpur Nagar Parishad, Bhaktiyarpur, Patna, the respondents have to look into the matter and after issuance of notices to the parties, the Court expects that the matter shall be taken to its logical conclusion at an earliest preferably within a period of three months from the date any such petition is filed.

16. With aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

Ravi/-Ankita

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