

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8114 of 2026

Prbhakar Jha, S/o Late Sachidanand Jha, resident of Village and P.O.-Bhojpatti, P.S.- Sarai, District- Vaishali, Presently residing at Shiv Bhawan Dak Bangalow Road, P.O.- Head Post Office, P.S.- Hajipur Town, District - Vaishali at Hajipur.
... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary (Home), Govt. of Bihar at Patna.
2. The Collector, Vaishali at Hajipur.
3. The S.P., Vaishali at Hajipur.
4. The S.D.O., Mahua, Hajipur.
5. The C.O., Rajapakar, Vaishali.
6. The SHO, Sarai, Vaishal.
7. Mukhlal Ram, S/o late Govind Ram, Vill and P.O.- Bhojpatti P.S.- Rajapakar, District - Vaishali.
8. Saryug Paswan, S/o Late Ram Briksha Paswan, Vill and P.O.-Bhojpatti P.S.- Rajapakar, District Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Jha, Advocate Mr. Dhananjay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Ravi Kumar, A.C. to G.P. (13)

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 02-07-2026

1. Heard the parties.

2. The case at hand highlights the callous approach of the district administration of Vaishali. Despite having passed an order in favour of the petitioner, whereby the Collector annulled the order of the Circle Officer, Rajapakar, who had illegally issued *parcha* in favour of Mukhlal Ram and Saryug Paswan without following the due process of law and without even issuing notice to the petitioner, the authorities have failed to prevent the said persons from forcibly encroaching upon the petitioner's land even after the passing of the order dated

24.09.2025. The record further reveals that, despite the petitioner's repeated representations and incessant efforts in approaching the authorities, including the Collector-cum-District Magistrate, Vaishali, seeking intervention for the removal of the unauthorized encroachment from his land, no effective action has been taken. Consequently, the persons whose claim has already been rejected by the district administration have been allowed to make illegal encroachment over the petitioner's land.

3. The brief facts of the case is that the Circle Officer, Rajapakar, Vaishali, passed an order dated 26.11.2012 in Basgit Parcha Case No. 07/12-13 and issued Basgit Parcha to Mukhlal Ram and Saryug Paswan (respondent Nos. 7 and 8). Learned counsel for the petitioner further submits that proceeding was decided by the Circle Officer in an *ex parte* manner without even issuing notice much less without affording any opportunity of hearing to the petitioner. Having come to know about the order, the petitioner filed a Basgit Parcha Appeal Case No. R115/17-18 before the Collector, Vaishali who having heard the relevant parties, examined the relevant records and perused the spot verification report submitted by the revenue authority, passed an order dated 24.09.2025 setting aside the order dated

26.11.2012 passed by the Circle Officer, Rajapakar.

4. Excerpts of the relevant part of the order dated 24.09.2025 passed by the Collector, Vaishali is quoted herein below for proper appreciation of the matter at hand:-

“उभय पक्षों के विद्वान अधिवक्ता के कथन एवं दलील, अंचल अधिकारी, राजापाकर से प्राप्त प्रतिवेदन, निम्न न्यायालय से प्राप्त अभिलेख एवं अभिलेख पर उपलब्ध कागजातों के अवलोकन एवं परिशीलन से निम्न तथ्य स्पष्ट होता है कि:-

> अंचल अधिकारी, राजापाकर के स्थलीय जाँच के क्रम में वासगीत पर्चा वाली जमीन पर कोई मकान या झोपड़ी नहीं पाया गया, जिससे यह स्पष्ट होता है कि पर्चे वाली जमीन पर पर्चाधारी का दखल कब्जा नहीं है।

> सहायक सरकारी अधिवक्ता का मंतव्य में भी अंकित किया गया है कि जिस जमीन का पर्चा निर्गत किया गया है उस जमीन का चौहद्दी दर्ज नहीं है। स्थल जाँच प्रतिवेदन के अनुसार दोनों विचाराधीन जमीन में कोई झोपड़ी या मकान नहीं है, इसमें आम का बागीचा लगा है।

उपरोक्त तथ्यों से स्पष्ट होता है कि अंचल अधिकारी, राजापाकर द्वारा वासगीत पर्चा वाद में जमाबंदी रैयत/भू-स्वामी / उनके वारिसानों को सूचना बगैर तामिला एवं आपत्ति प्राप्त किये बिना ही तथा BPPHT Act. के अंतर्गत उल्लेखित प्रावधानों के विपरीत बिना स्थल निरीक्षण किये मनमाने ढंग से वासगीत पर्चा निर्गत किया गया है, जो विधि सम्मत प्रतीत नहीं होता है। चूँकि बसे हुए को वासगीत पर्चा दिया जाता है तथा पर्चाधारी कभी भी प्रश्नगत भूमि पर बसे ही नहीं, इसलिए अंचल अधिकारी, राजापाकर के द्वारा वासगीत पर्चा वाद सं.- 07/12-13 (जिसमें मौजा भोजपट्टी थाना सं० 200 एवं मौजा राजेपुर बेरई थाना सं० 201 के क्रमशः खाता सं० 25, खेसरा 639 एवं खाता सं० 07, खेसरा सं० 70) में दिनांक 26. 11.2012 को पारित आदेश को निरस्त करते हुए निर्गत वासगीत पर्चा को रद्द किया जाता है तथा अपीलकर्ता के अपील आवेदन को स्वीकृत किया जाता है।”

5. Learned counsel for the petitioner submits that on account of the reckless, casual and callous approach of the Circle Officer, petitioner has suffered for so many years and have remained in constant fear of his land being encroached by the aforesaid *parchadhari* but some how he managed to save his land from the encroachment and got his appeal decided by the

Collector, Vaishali.

6. Even after the passing of the order by the Collector, Vaishali, Mukhlal Ram and Saryug Paswan, in collusion with the revenue authorities of the Circle, attempted to encroach upon the petitioner's land by erecting a makeshift hut thereon on 01.03.2026. Having seen the conduct and sensed the fear of being forcefully dispossessed from their land and implicated in the false cases, the petitioner immediately rushed to the authorities including the Superintendent of Police, Vaishali and the District Magistrate-cum-Collector, Vaishali by filing the representations highlighting the conduct of all the persons concerned with a prayer to get the makeshift hut removed from the land on account of unauthorized and illegal encroachment made by Mukhlal Ram and Saryug Paswan. He further submits that all his applications have fallen on deaf ears and the respondents, though required to act in accordance with law in order to provide immediate relief to the petitioner, have been sitting tight over the matter causing serious apprehension in the mind of the petitioner of being dispossessed illegally and unauthorisedly.

7. Mr. Ravi Kumar, learned AC to GP-13 appearing on behalf of the State, fairly submits that the Collector in his order

has given a categorical finding that the order of Circle Officer granting parcha over the piece of land of the petitioner is not only illegal but untenable in the eyes of law. Hence the Collector, Vaishali has passed order annulling the order of the Circle officer. He further submits that the order of the Collector is very much clear with respect to the nature of land, right of the petitioner to possess the same and in this view of the matter, the matter may be disposed off with a direction to the District authority to ensure the removal of those persons who have attempted to encroach upon the land of the petitioner in an illegal and unauthorized manner and that too after the order having been passed by the competent authority like the District Magistrate-cum-Collector of the district.

8. Having heard the parties and perused the material, which does not leave an iota of doubt that the land in question is in-exclusive possession of the petitioner who is having all right and title over the land to possess the same and yet the two persons namely Mukhlal Ram and Saryug Paswan have made all endeavors to disturb the peaceful possession of the petitioner over the said piece of land which is simply unacceptable and cannot be allowed to be continued.

9. In these circumstances, the Court has been left with no

option but to issue a direction to the District Magistrate -cum-Collector, Vaishali and the Superintendent of Police, Vaishali to ensure the removal of such unauthorized encroachment from the land of the petitioner with all promptitude and the order of this Court must be executed and implemented within a period of three weeks henceforth, failing which serious consequences will entail which might have adverse bearing on the authorities who are conniving and colluding with such unlawful land grabbers who, in law, have no right and title to enter upon the land of any of the persons who have due legal right and title over the same.

10. Accordingly, this application is disposed of in the aforesaid terms.

11. Let a copy of this order be communicated through e-mail and fax to the District Magistrate-cum-Collector, Vaishali and to the Superintendent of Police, Vaishali forthwith for ensuring compliance of the order without any further delay.

12. Interlocutory application(s), if any, also stands disposed off accordingly.

(Rana Vikram Singh, J)

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