

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14225 of 2021**

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Bharat Yadav, Son of Rajdeo Yadav, Resident of Charpulwa, Babu Bazar, P.O.  
Ara, P.S. Ara Town, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Ara.
4. The Deputy Collector Land Reforms, Ara Sadar, Ara.
5. The Circle Officer, Anchal Sadar, Ara.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Gaurav Govind, Adv.  
For the State : Mr. AC to SC-25

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**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**

**ORAL JUDGMENT**

**Date : 13-03-2026**

Heard the learned counsel for the parties.

2. The petitioner has preferred the present writ application seeking following relief(s) :

(i) For issuance of a writ in the nature of mandamus commanding the respondents not to interfere with the peaceful possession of the Raiyati land belonging to the



petitioner by laying false claim on it in the name of public land; and

(ii) For issuance of any other writ(s)/order(s) or direction to which the petitioner may be found entitled to in the facts and circumstances of the case.

3. The learned counsel for the petitioner submits that the petitioner is aggrieved by the action being taken by the Circle Officer, Sadar, Ara, who had approached the land of the petitioner and had orally informed him that the land is a public land and the construction made on it would be demolished. It has been submitted that the petitioner, on such oral submission/statement made by the Circle Officer, has made a detailed representation to the Collector, Ara on 04.02.2021, bringing to his notice the fact that the land is not a public land rather the petitioner has a sale-deed in his favour along with revenue rent receipts and a Land Possession Certificate (LPC) has also been issued to him by the concerned authorities. It has further been submitted that the petitioner fears that he shall be dispossessed from his own land and the construction made on it would be demolished. It has also been submitted that till date, no notice has been issued to the petitioner.

4. The learned AC to SC-25 submits that the



present application seems to be misconceived as the petitioner has approached this Court in anticipation of an action going to take place. It has been submitted that a writ of *mandamus* cannot be issued for an action which is yet to be taken and from the perusal of the averments made in the writ petition, it would be evident that no action has yet been taken against the petitioner, let alone any action of demolition.

5. Having heard the learned counsel for the parties and taking into account the averments made in the writ petition, this Court feels that the present application has been filed in anticipation of an action which is going to take place in future and, therefore, the present application, as of now, cannot be maintained, especially for the fact that there is no document on record to show that any action has been initiated against the petitioner.

6. In view of the aforesaid facts and circumstances, the present application is being disposed of with a liberty to the petitioner to approach this Court again, as and when advised, especially when an action is initiated against him without any notice being served upon him under the Public Land Encroachment Act.

7. With the aforesaid observation/direction, the



writ application stands disposed off.

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

**(Sourendra Pandey, J)**

Praveen-II/-

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