IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11281 of 2026

CNR No. BRHC010623572026

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Shashi Chandra Mishra S/o-Kali Kant Mishra, Vill-Baghauni, P.s.-Baheri, District - Darbhanga.

... ... Petitioner/s

Versus

1. The State of Bihar Through principal secretary revenue and learned reforms Department Govt. of Bihar Patna.
2. The Divisional Commissioner, Darbhanga.
3. The collector cum District Magistrate, Darbhanga.
4. The Additional Collector, Darbhanga.
5. The Additional Collector P.G.R. cum 1st Appellate Authority, Darbhanga.
6. The S.D.O. cum sub Divisional Public Grievanceredressal office Darbhanga sadar, District - Darbhanga.
7. The Anchal Adhikari Baheri, District - Darbhanga.
8. Nunu Prasad Singh, S/o - Sukhdeo Mandal, vill- Badhauni, P.s. Baheri, District -Darbhanga.
9. Mohan Kumar, S/o-Late Rebti Razak, R/V- Baghauni, P.s- Baheri District - Darbhanga.
10. Md. Kirmat, S/O- Ganaur Mia, R/V- Baghauni, P.s- Baheri District - Darbhanga.
11. Mahesh safi, S/o- Late jeevat Safi, R/V- Baghauni, P.s- Baheri District - Darbhanga.
12. Deepak Kumar, s/o Late palat mandal, R/V- Baghauni, P.s- Baheri District - Darbhanga.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mrs. Kumari Sujata Sinha, Advocate
For the Respondent/s : Mr. Standing Counsel (11)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 29-10-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ petition has been filed for the following

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reliefs :-

> *That the present writ petition is being filed for issuance of an appropriate writ, order, or direction commanding the respondents to remove the encroachment made by Respondent Nos. 8 to 12 over the disputed public pond, in respect whereof show-cause notices have already been issued by the Respondent Anchal Adhikari, Baheri. The petitioner further prays for issuance of an appropriate writ, order, or direction directing the official respondents to implement and execute the order dated 18.04.2026 passed by Respondent No. 5 in Case No. 96/1A arising out of Appeal dated 10.02.2026, whereby the learned First Appellate Authority directed the Anchal Adhikari, Baheri, to institute a title suit for protection of the interest of the State and to take appropriate action against the private respondents who are illegally carrying on fishing activities in the disputed pond. The petitioner further prays for any other relief(s), writ, order, or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

3. The petitioner is directed to file a fresh representation / application before the concerned authority, 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 pond in question.

4. It is expected that once such an application for removal of the encroachment is filed by the petitioner, then the Circle Officer, Baheri, Darbhanga, will initiate the appropriate

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proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956 (in short, 'Act, 1956') and, after giving notice to all concerned, necessary orders under Section 6 of the Act, 1956, shall be passed by resorting to the procedure as provided under Section 4 and 5 of the Act, 1956, 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 period of three months.

5. It is expected that the entire exercise shall be carried out and concluded within the time so specified 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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