

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16307 of 2022

1. Sudhir Kumar Mahto @ Sudhir Kumar Son of Late Mohanji Mahto @ Mohan Prasad, Resident of Village- Ward No. 07, Baheri, P.S.- Baheri, District- Darbhanga.
2. Sunil Kumar Mahto @ Sunil Kumar Son of Late Mohanji Mahto @ Mohan Prasad, Resident of Village- Ward No. 07, Baheri, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Darbhanga.
2. District Magistrate, Darbhanga.
3. Circle Officer, Behari, Darbhanga.
4. Thana In-charge, P.S.- Behari, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Shama Sinha, Advocate Mr. Surya Prakash, Advocate Mr. Vijayansh Pratap Singh, Advocate
For the Respondent/s	:	Mr. Navnit Kumar, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 22-06-2026

Heard the learned counsel for the petitioners and
learned AC to GP-18 for the State.

2. The very short contention of the petitioners is that
in a summary proceeding the Circle Officer has taken into



account the fact that though an order has been passed in favour of the petitioners in Title Suit No. 160 of 2008 initiated under Section 106 of the Bihar Tenancy Act, however, since there was no consequential corrections/amendments made in the RS Khatiyan, therefore, the petitioners were stopped from making any construction over the land in question.

3. Learned counsel for the petitioners submits that there being an order passed in favour of the petitioners way back in the year 2009 and thereafter on a frivolous application by one person, the Circle Officer has stopped any construction over the land in question, stating the same to be the land belonging to the State of Bihar, however, there is nothing on record to show that the land belongs to the Government of Bihar. Rather, the order passed in favour of the petitioner in the year 2009 has not been challenged.

4. It has further been pointed out that even if there is an application for any encroachment, then the Circle Officer was bound to initiate an encroachment proceeding against the petitioners, however, no such proceeding was initiated and the petitioners till date have not received any notice to such effect. It has next been submitted that though in pursuance to the said order stopping the petitioners from carrying out any



construction was passed in the year 2022, however, without there being any further proceedings, the petitioners are not allowed to carry out any construction over the said land.

5. Learned AC to GP-18 submits that the petitioners rely on the order passed in the proceedings under Section 106 of the Bihar Tenancy Act passed in Title Suit No. 160 of 2008 and from the perusal of the same, it seems that the name and signature of the Presiding Officer are not reflected in the said order, however, he does not dispute the fact that no encroachment case has ever been initiated against the petitioners.

6. Considering the aforesaid submissions forwarded by the parties and taking into account the fact that pursuant to the order restraining the petitioners from carrying out any construction over the land in question, no encroachment case has been initiated till date, this Court finds that there is no point continuing with the said order, which admittedly had granted one month's time during which the construction was stopped.

7. In view of the above, the order dated 25.06.2022 passed by the Circle Officer, Behari, Darbhanga, is set aside.

8. The authorities are directed not to disturb the petitioners in carrying out any further construction over the land



in question, especially when there is no proceeding pending against them.

9. The present application stands allowed.

(Sourendra Pandey, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2026
Transmission Date	NA

