

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16859 of 2025

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Pancha Nand Singh Son of Yogendra Prasad Singh, Resident of Rupaspur,
P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
6. The District Magistrate, Patna.
7. The Commissioner, Patna Municipal Corporation, Patna.
8. The Executive Engineer, Patna Municipal Corporation, Patna.
9. The New Nutan Rajdhani Anchal, through its Executive Engineer Patna.
10. The Union of India, through the Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi-110001.
11. The Chairman, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi- 110001.
12. The Executive Director, Land and Amenities Railway Board, Ministry of Railways, Rail Bhawan, New Delhi- 110001.
13. The Divisional Railway Manager, Danapur.
14. The General Manager, East Central Railway, Hajipur, P.O.- Digghikala, P.S.- Hajipur, District- Vaishali at Hajipur- 844101 (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satyam Shivam Sundaram, Adv. Mr. Ankit, Adv. Mr. Aman Kumar, Adv.
For the State	:	Mr. P K Shahi, AG Mr. Vikash Kumar, AC to AG
For the PMC	:	Mr. Ranjeet Kumar Pandey, Adv.
For the UOI	:	Dr. Krishna Nandan Singh, ASG Mr. Kumar Ravish, JC to ASG Mr. Abhijeet Gautam, JC to ASG Mr. Abhinav, JC to ASG



Mr. Shivaditya Dhari Singh, JC to ASG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 10-04-2026 When the matter was taken up on 16.03.2026, the learned Advocate General apprised this Court that, since representatives of the two villages, i.e. Jalalpur and Rupaspur, raised certain objections, the District Magistrate, Patna, constituted a Committee, and fresh measurements are being undertaken since 14.03.2026 and the learned Senior Counsel appearing for the Railways submitted that it would take five to six days to complete the measurement. Accordingly, the matter was adjourned with a direction to the learned counsel for the respective parties to apprise this Court of the developments in the matter.

2. A counter affidavit dated 30.03.2026 has been filed on behalf of Respondent Nos. 4 and 6, duly sworn by Akhil Kumar Jha, Deputy Secretary, wherein it has been stated as follows:

“13. That it is further stated here that in compliance to the order dated 16.02.2026 passed by this Hon'ble Court, the measurement work was carried out on the spot in question on 14.03.2026, 16.03.2026, 17.03.2026,



18.03.2026, 19.03.2026 and 25.03.2026 respectively. After carrying out the measurement on different dates, the committee of five Amins submitted its report to the Circle Officer, Danapur vide letter dated 25.03.2026 stating therein that 38 persons have encroached or have carried out illegal construction over the railway acquired land. The details of encroachers have been provided in the report dated 25.03.2026, The Circle Officer, Danapur, vide letter bearing Memo No. 1238 dated 25.03.2026 submitted the said report to the Additional Collector, Patna which is being brought on record by way of annexure in this instant counter affidavit.

14. That in view of the aforesaid facts, it is apparent that the concerned state officials have taken needful action in the matter and undertakes to carry out further consequential action in the matter as directed by this Hon'ble Court."

3. Upon perusal of the aforesaid paragraphs, it appears that, pursuant to the measurement, it has been found that 38 persons have encroached upon the land in question and have raised illegal constructions over the railway-acquired land. The details of such encroachers have been submitted to the Circle Officer, Danapur, on 25.03.2026, who has, in turn, forwarded



the same to the Additional Collector, Patna.

4. In terms of the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the 1956 Act”), proceedings in such matters are required to be initiated under Section 3 thereof. Notices are to be issued to the alleged encroachers and other concerned parties, affording them an opportunity to file their defence and to be heard. Thereafter, a final order is to be passed under Section 6 of the said Act, against which an appeal lies under Section 11 thereof.

5. Since the report has already been submitted before the competent authority, it is expected that the said authority shall proceed strictly in accordance with the provisions of the 1956 Act and take all consequential steps for determination of the issue of encroachment in accordance with law.

6. With the aforesaid observations, the writ petition is disposed of.

7. It is made clear that we have not expressed any opinion on the merit(s) of the case.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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