

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17134 of 2025

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Md. Alam Son of Late Md. Muslim, Resident of Village-Ward No.-11
Lagunia Raghu Kanth, P.S.-Muffasil, Distt.-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Distt. Magistrate, Samastipur.
2. The Distt. Magistrate, Samastipur.
3. The Sub Divisional Magistrate, Samastipur.
4. The Circle Officer, Samastipur.
5. The Municipal Corporation through its Municipal Commissioner, Samastipur.
6. The Municipal Commissioner, Municipal Corporation, Samastipur.
7. Md. Abdul Rahman, Son of Late Md. Sirazuddin, Resident of Village-Ward No.-47, Dariyapur Lagunia Raghu Kanth, P.S.-Muffasil, Distt.-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1
For the Respondent/s : Government Advocate (2)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 31-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for the
following reliefs:-

- (i) For directing the respondents concerned especially the respondent no.2 to make boundary wall over to prevent the encroachment over the public land bearing Khata no.352, old kheshra no.5521 and area of 43 decimal situated in the village of Lagunia Raghu Khant P.S. Muffasil, District- Samastipur.*
- (ii) For directing the respondent no.2 & 5 to prevent the aforesaid land from illegal encroachment done by respondent no. 6 and the land is being protected for public use.*



(iii) For any other relief(s) for which the petitioner is entitled.

3. Learned counsel for the petitioner submits that the public road has been under encroachment and the drainage system has been encroached for which an application dated 11.04.2025 has been submitted before the respondent no.2 but despite such application nothing till date has been done.

4. In view of the submissions made on behalf of the petitioner, the petitioner is directed to file a fresh representation within a period of three weeks from today 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 public road by blocking the same. The petitioner is also permitted to give details of all such properties which, according to him, is a public land and is under encroachment by the encroachers and on finding the statement to be true in reference to the revenue record, appropriate action shall be taken by issuing notices to the concerned encroachers.

5. It is expected that once such an application for removal of the encroachment is filed by the petitioner, the Circle Officer, Samastipur shall examine the representation as well as the place where the alleged encroachment has been made and



initiate appropriate proceedings under Section 3 of the Bihar Public Land Encroachment Act, 1956. After giving notice to all concerned, necessary orders shall be passed adjudicating the issues in question. If it is found that the land in question is public land and the same has been encroached upon by private persons, necessary steps shall be taken to make the land encroachment-free within a period of three months.

6. It is expected that the entire exercise shall be carried out and concluded within the time frame of twelve weeks from the date of initiation of proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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