

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18635 of 2025

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Rakesh Kumar Son of Late Rajendra Ray @ Late Rajendra Roy Resident of
Village- Shyambakhari, Police Station- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. That State of Bihar through the Principal Secretary, Bihar, Patna.
2. The Commissioner, Trihut Commissioneri, Muzaffarpur.
3. The District Magistrate, East Champaran, Motihari.
4. The Sub-divisional Officer, Dhaka, East Champaran.
5. The Circle Officer, Dhaka, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Deo Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (28)

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

(Per: HONOURABLE THE CHIEF JUSTICE)

5 19-02-2026 This writ petition has been filed by the petitioner,

Rakesh Kumar, with the following prayers:-

*"(A) A writ in the nature of mandamus or
any other appropriate writ, order/s, direction
commanding the respondents for the following:*

*i) To remove the illegal encroachment
over the PAIN / drainage situated between village
Trikolia and Shyambakhari falling within Dhaka
police station of East Champaran and connected to
river Daini and River Bakya Charan forthwith.*

*ii) To take appropriate action on the
application given to the local authority by the
villagers including the petitioner for removing the*



encroachment over the PAIN/drainage situated at Khata No. 03, Plot No. 01, Khata No. 242, Plot No. 520 and 309.

B) To any other relief/s for which the petitioner is found entitled too."

2. A counter-affidavit has been filed by Respondent Nos. 3 to 5, wherein in paragraphs 7 and 8, it is stated as follows:-

"7. That it is stated that the Circle Officer, Dhaka instituted Encroachment Case No.20/2025-26. On 22.01.2026 regarding the encroachment over the land in question and get it enquired. The Rajsav Karmchari submitted enquiry report and reported that Khata No.242, Plot No.520 area 1 acre 46 decimal and Khata No.242, Plot No.309 area 15 decimal of Village Trikolia are recorded as PAIN and Khata No.3, Plot No.1 area 1 acre 35 decimal of land of Village-Shyambakhari recorded as Nala in R.S. Khatiyani and there is encroachment over the land by various persons. The Anchal Amin measured the land and submitted encroachment by 24 persons in village Shyambakhari and the two persons found encroachers in Village Trikolia. The report has been submitted on 12.02.2026.

8) That it is stated and submitted that the Circle Officer, Dhaka has instituted encroachment case and proceedings as per rule which is under process."



3. Since Encroachment Case No. 20 of 2025-26 has already been registered and the matter is under consideration before the competent authority, no useful purpose would be served in entertaining this Public Interest Litigation.

4. Accordingly, the writ petition stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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