IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17438 of 2026

CNR No. BRHC011168662026

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1. Ravi Shankar Prasad Singh Son of Late Bhairav Nath Prasad Singh, Permanent resident of Village- Rohua Purvi, P.S.- Varishnagar, District- Samastipur, Bihar and at present resident of Mohalla- Baligarh garden, club road, mother Tressa school campus, P.S.- Mithanpura, District Muzaffarpur.
2. Rajan Kumar @ Banti, Son of Late Awadeshwar Prasad Singh, Resident of Village- Rohua Purvi, P.S.- Warisnagar, District- Samastipur (Bihar) and at present resident of Mohalla- West Boring Kenal Road, H. no.-103a, opp. Layak Bhawan, P.S.- Shree Krishna Puri, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate -cum- Collector, Samastipur, Office at Collectorate, Samastipur, P.S. and District - Samastipur.
3. The Superintendent of Police, Samastipur, Office of the Superintendent of Police, P.S. and District - Samastipur.
4. The Sub-Divisional Magistrate, Samastipur Sadar, Sub-Divisional Office, P.S. and District - Samastipur.
5. The Deputy Collector Land Reforms (DCLR), Samastipur Sadar, P.S. and District - Samastipur.
6. The Circle Officer (C.O.), Warisnagar, Anchal Office, P.S. - Warisnagar, District - Samastipur.
7. The Station House Officer (SHO) of Warisnagar Police Station, District - Samastipur.
8. Jyoti Devi @ Jyoti Kumari, Wife of Vinay Kumar Thakur, Resident of Village - Patsara, P.S. - Piyar, District - Muzaffarpur.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Yugal Kishore, Advocate
Mr. Waliur Rahman, Advocate
For the Respondent/s : Mr. Shyam Babu Prasad, SC-4
Mr. Rohit Raj, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 23-11-2026 Heard learned counsel for the petitioners and learned counsel for the State-respondents.

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2. The instant writ petition has been filed for the following relief(s):-

> *(i) for issuance of a writ in the nature of mandamus or any other appropriate writ, order, or direction, directing the respondent nos. 2 to 7 (the district administration and police authorities i.e. respondent 1 st) to implement, enforce, and execute the final orders passed by the competent statutory authorities, including the inquiry report and decision of Respondent No. 6 (Circle Officer, Warisnagar) dated 08.11.2025 (Annexure- P-2) holding that the private respondents possess zero title, right, or documentary claim over the land and the final order dated 07.03.2026 passed by Respondent No. 4 (Sub-Divisional Magistrate, Samastipur) in M.R. No. 43/2026 under Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), (Annexure- P-4)making the prohibitory order absolute against Respondent No. 8 and other encroachers; and the final judgment and order dated 01.07.2026 passed by Respondent No. 4 (Sub-Divisional Magistrate, Samastipur) in M.R. No. 519/2026 under Section 164 BNSS (Annexure- P-5), unequivocally declaring the lawful, actual, and peaceful physical possession of the Petitioners over the subject land.*
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> *(ii) For issuance of a writ in the nature of mandamus commanding Respondent Nos. 2 to 7 to provide immediate, adequate, and round-the-clock administrative and police protection to the Petitioners against the unlawful, forceful,*

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and muscle-powered interference, trespass, and criminal intimidation being perpetrated by Respondent Nos. 8 and her unlawful associates.

(iii) For issuance of a writ in the nature of mandamus commanding Respondent Nos. 2 to 7 to forthwith remove all illegal structures, temporary huts (jhopris), cloth hoardings, and red flags unlawfully planted over the Petitioner's raiyati/Khatiyani land by the private respondents and land-grabbers, thereby restoring unimpeded and peaceful physical enjoyment to the Petitioners.

(iv) For issuance of an interim order restraining the private respondent no.8 & her henchmen, agents, and any third parties claiming through them, from altering the physical nature of the suit property, creating any third-party encumbrances, or disturbing the peaceful possession of the Petitioners during the pendency of this writ petition.

(v) For issuance of a writ in the nature of mandamus commanding Respondent Nos. 2 to 7 specially respondent no. 2 i.e. The District Magistrate -cum-Collector, Samastipur to pass appropriate order on representation filed by the petitioner no.- 2 and the same has send to him through registered post on 28/07/2026 (Annexure – P-6).

(vi) For any other writ(s), order(s), or relief(s) which this Hon'ble Court may deem fit and proper in the interest of justice, equity, and good conscience.

3. Learned counsel for the petitioners, by referring to

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the orders passed by the Sub-Divisional Officer, Samastipur, which are appended to the writ petition as Annexures P/4 and P/5, submits that the issue between the petitioners and the private respondents became a subject matter of consideration vide M.R. No. 43/2026 and M.R. No. 519/2026, in which, the title of the petitioners and their possession have been recognized by the authorities with reference to the revenue records. It is further submitted that there is already a report indicating that the land in question is *khatiyani* land belonging to the petitioners. Therefore, the application filed before the District Magistrate, Samastipur, may be directed to be disposed of in accordance with the adjudication made by the designated officer under Sections 163 and 164 of the BNSS.

4. At this stage, learned counsel for the State, Mr. Rohit Raj, AC to SC-4, submits that the representation filed by the petitioners may be directed to be disposed of after giving an opportunity of hearing to all the persons concerned, who have been impleaded as party respondents in this case.

5. Considering the submissions made by the parties, the District Magistrate, Samastipur, is required to take a final decision on the representation filed by the petitioners by referring to the order passed under Sections 163 and 164 of the

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BNSS. If the findings recorded by the designated authority under the provisions of Sections 163 and 164 of the BNSS are found to be referable to the revenue records and there is no dispute, in that event, necessary decisions shall be taken and communicated to the persons concerned within a period of six weeks from the date of filing of the representation, for which, the petitioners shall file the representation within a period of two weeks from today, giving reference to their earlier representation and with a copy of the order passed by this Court along with other necessary documents, which they propose to rely.

6. With the aforesaid observations and directions, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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