

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1239 of 2026

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Amod Kumar Jha son of Late Jaikant Jha @ Jai Narayan Jha, Resident of Village and P.O. Bath, P.S. Madhepur, District - Madhubani, presently residing at Jaipur, house no. 263/866 Sector-26, Pratap nagar P.S.-Pratap nagar, District - Jaipur, Rajasthan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub-Divisional Officer, Jhanjharpur, District Madhubani.
4. The Circle Officer, Madhepur, District - Madhubani.
5. Krishna Govind Mishra, son of Late Raj Bihari Mishra alias Gogai Mishra, Resident of Village - Bath, P.S. Madhepur, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the State	:	Mr. Md. Raisul Haque, SC10

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 03-04-2026 In this writ petition, the petitioner has prayed for following relief:-

“1. That the petitioner above named craves the indulgence of this Hon’ble Court for issuance of an appropriate order/orders, direction/directions, or writ/writs, preferably in the nature of mandamus, commanding and directing the respondents to ensure removal of the encroachment from the government road situated at Village Bath, P.S. Madhepur, District Madhubani, recorded under Khata No. 288 (old)/222 (new), Khasra No. 2093 (old)/2618 (new), which is the only access road to the house of the petitioner, and others and further for



restoration of the public drain blocked by respondent no. 5. Regarding which Encroachment case no. 5/2022-2023 has been initiated by the respondent circle officer but the same has not been concluded as yet. Any other relief reliefs, order / orders & direction /directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.”

2. Counsel for the petitioner submits that on the basis of the complaint made by this petitioner with respect to the encroachment having been made with regard to the land, in question, the Encroachment Case No. 5 of 2022-2023 has already been instituted and notices under Section 3 of the Bihar Land Encroachment Act, 1956 was issued and, thereafter, the proceedings, so initiated, have not been proceeded further.

3. On the other hand, counsel for the State submits that the petitioner may be directed to appear in the said proceedings and, on his appearance, the fresh date shall be intimated and all concerned shall appropriately be issued notice to submit their show-cause and, upon giving hearing to all concerned, final decision shall be taken by the authorities, which is competent in law.

4. Considering the submissions so made, this Court finds it appropriate to direct the petitioner to approach the Circle Officer, Madhepur, Madhubani (Respondent No.4) in



Encroachment Case No. 5 of 2022-2023 and, on his appearance, fresh dates shall be communicated to the petitioner and proceeding, so initiated, shall be brought to an end within a period of six months after giving an opportunity of hearing to all concerned and following the principles of natural justice.

5. With the aforementioned observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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