IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14288 of 2018

CNR No. BRHC011189552018

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Shiv Muni Hajam @ Shiv Muni Thakur S/o Late Birodi Hajan, Resident of Village-Mokaram West Pati P.S.-Bhagwanpur, District-Kaimur Bhabhua.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector Kaimur Bhabhua
3. The S.D.M. Bhabua Kaimur.
4. The Circle Officer, Anchal-Bhagwanpur, Kaimur.
5. Sudarshan Singh S/o Late Kedar Singh,
6. Balitam Singh S/o Late Kedar Singh,
7. Markancey Singh S/o Late Kedar Singh
8. JItendra Singh S/o Late Damodar Singh, Both 5and8 are R/o Village-Makarom, East Patti, P.O. Jaiyatpur, Kala, P.S.-Bhagwanpur, District-Kaimur Bhabua.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Pankaj, Adv.
For the Respondent/s : Mr.S.C.Yadav -Gp15
For the State : AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

3 06-11-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. By way of the present writ application, the petitioner seeks a direction to the authorities for removal of encroachment from the public land, the description of which are as follows:

Mauza-Maukran, Thana No. 781, Khata No. 109, Khesra No. 701, Area- 0.14 decimal, District- Bhabhua.

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3. Learned counsel for the petitioner submits that, in terms of a letter issued by the Anchal Adhikari, Bhagwanpur, dated 05.10.2016, certain persons were found to have encroached upon the public land and encroachment proceedings were initiated against them.

4. Learned counsel further submits that, despite initiation of the aforesaid proceedings against the encroachers, the encroachment could not be removed. However, learned counsel for the State, by filing a counter-affidavit, has specifically stated in paragraphs 7 to 10 thereof that the encroachments in question have already been removed. Learned counsel for the petitioner disputes the said assertion in Paragraph-12 of the rejoinder.

4. In the background of these facts and circumstances, this Court deems it fit and proper to direct the petitioner to file a fresh application before Respondent No. 2 within a period of four weeks. Thereafter, Respondent No. 2 shall consider the grievance of the petitioner and, after hearing all the necessary parties, pass a reasoned order and take appropriate action in accordance with law. It is further observed that the decision rendered in the case of *Asharfi Yadav V. State of Bihar,* reported in 2026 (5) PLJR Page-211, particularly paragraphs 28 to 30

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thereof, shall also be duly considered by the respondent while adjudicating the grievance of the petitioner.

5. In view of the aforesaid observations and directions, the writ application stands disposed of.

(Raj Kumar, J)

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