

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2261 of 2025

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Sanjay Kumar Singh son of Sri Shivji Thakur, resident of Village-Nathua
(Nethua), P.O. Awari, P.S. Marhaura, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran at Chapra, District-Saran at Chapra.
4. The Sub Divisional Officer, Marhaura, District-Saran at Chapra.
5. The Additional District Magistrate, Revenue, Saran at Chapra, District-Saran at Chapra.
6. The Circle Officer, Marhaura, District-Saran at Chapra.
7. Shree Sudarshan Thakur, son of Late Kishan Thakur, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
8. Shree Bharat Thakur, Son of Late Pashupati Thakur, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
9. Shree Tribhuwan Thakur, son of Late Pashupati Thakur, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
10. Shree Manager Thakur, son of Late Pashupati Thakur, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
11. Shree Kedar Thakur, son of Late Parshuram Thakur, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
12. Shree Upendra Thakur, son of Late Parshuram Thakur, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
13. Shree Baleshwar Thakur, son of Late Kamla Thakur, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
14. Shree Surendra Rai, son of Late Jaglal Rai, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
15. Shree Ram Azad Singh, son of Sheetal Singh, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.
16. Shree Madhusudan Thakur, son of Late Ram Balak Thakur, resident of Village-Nethua, P.O. Awari, P.S. Marhaura, District-Saran at Chapra.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. S.B.K. Mangalam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Rishi Raj, Advocate
For the Respondent/s : Mr. Raghwendra Kumar, SC (22)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 23-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

(I) For issuance of an appropriate writ in the nature of Certiorari for quashing the order dated 05.04.2024 passed by the Respondent no.2 in Encroachment Appeal No.109 of 2017 whereby and where under the Respondent no.2 has refused to interfere in the order dated 19.10.2013 passed by the Respondent no.3 in File No.15-16/2013 on the ground that a Title Suit No. 64 of 2008 has been filed by Respondent Sudarshan Thakur (Respondent No.7) which is pending for consideration.

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 19.10.2013 passed by the Respondent no.3 in File No.15-16 of 2013, whereby and where under the Respondent no.3 has been pleased to reject the complaint filed by the petitioner for removal of encroachment from a Gairmazarua Aam Land situated in village- Nethua under Marhawrah Block of Saran District bearing Khata No.328, Survey Plot No.2065 measuring an area of 1 Bigha 7 Katha 14 Dhurs and Khata No.17. Survey Plot No. 1150 measuring an area of 2 Bigha 15 Katha 19 Dhurs on the ground that the land in question does not come under the purview of encroachment and



therefore, the petitioner may approach the Land Reforms Deputy Collector under Bihar Land Dispute Resolution Act.

(III) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to initiate an encroachment proceeding against the Respondent nos. 7 to 17 for their illegal encroachment over Gairmazarua Aam Land in question i.e. Khata No.328, Survey Plot No.2065 area 1 Bigha 7 Katha 14 Dhurs and Khata No.17, Survey Plot No.1150 area 2 Bigha 15 Katha 19 Dhurs on the ground that if in the revenue records, the nature of the aforesaid land has been mentioned as Gairmazarua Aam, only because in the remarks column of Khatian it has been shown in the possession of Respondent nos. 7 to 17, they do not have any title over the land and the title suit filed by the Respondent no.7 has already been dismissed since after filing of title suit, the Respondent no.7 has not shown any interest to pursue the same.

(IV) For issuance any other appropriate writ/writs order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioner, by referring to the order passed by the Revisional Authority, being the Divisional Commissioner, Saran Division at Chapra, submits that the Revisional Authority has not interfered with the order passed by the District Magistrate, Saran at Chapra, on the ground that the Title suit is still pending, whereas the fact remains that the Title suit so referred had already been dismissed on 28.08.2023, while it was stated to be pending



before the Court of the learned Munsif, Chapra. On this premise, it is submitted that both the orders passed by the Revisional authority as well as the Appellate authority needs to be interfered with.

4. On the other hand, learned counsel for the State submits that evidently, there is factual error in making due deliberations by the delegated authorities under the Bihar Public Land Encroachment Act, 1956, and there is already a provision of review under the Bihar Public Land Encroachment Act, 1956.

5. In such event, the petitioner may be directed to approach the authorities by filing a review with all supportive materials and once such application is filed, necessary orders may be directed to be passed by the Collector, Saran at Chapra.

6. Considering the stand of the parties and there being factual errors in the making deliberations on the claim made by the petitioner by the Divisional Commissioner, Saran Division at Chapra and the Collector, Saran at Chapra, both the orders being order dated 05.04.2024 passed in Encroachment Appeal No.109 of 2017 and order dated 19.10.2013 passed in File No.15-16/2013 by the Collector, Saran at Chapra, are hereby set aside and the petitioner is directed to file a review before the Collector, Saran at Chapra, within a period of four weeks from



today, and if such review is filed within the time so provided, a final order shall be passed within a period of three months after affording full opportunity of hearing to all the parties.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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