

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.254 of 2025

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Md. Sayeed Abdul Sakur @ Md. Sayeed S/o- Late Md. Said Abdul Sakur @
Abdul Sakur, R/v -Anyaypur, P.S.- Jajuar, District- Muzaffarpur, At present-
Warthi Bhandara, P.S.- Bhandara, District- Bhandara, (Maharashtra).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Muzaffarpur.
3. The Divisional Public Grievance Redressal Officer, District- Muzaffarpur.
4. The Circle Officer, Katra, District- Muzaffarpur.
5. Gudari Das, S/o Late Laxman Das R/v- Anyaypur P.S.- Jajuar, Block- Katra,
District- Muzaffarpur.
6. Dhyani Das, S/o- Late Laxman Das R/v- Anyaypur P.S.- Jajuar, Block-
Katra, District- Muzaffarpur.
7. Indra Kumar Das, S/o- Gudari Das R/v- Anyaypur P.S.- Jajuar, Block- Katra,
District- Muzaffarpur.
8. Dilip Das, S/o- Gudari Das R/v- Anyaypur P.S.- Jajuar, Block- Katra,
District- Muzaffarpur.
9. Raj Kumar Das, S/o- Gudari Das R/v- Anyaypur P.S.- Jajuar, Block- Katra,
District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate
For the Respondent/s : Government Pleader (7)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 02-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*(i.) That by way of writ
application petitioner seeks indulgence of
this Hon'ble Court for issuance of an
appropriate writ/ order/direction in nature of
Mandamus commanding upon the*



respondents to remove the Encroachment over the public Land / Public Road Land in question which has been hut, bricks, ditch etc in accordance with law in situated at Mauza -Jajuar, thana no-191, P.S.-Jajuar, District - Muzaffarpur in, Khata No- 4723, Khesara No-15089.

(ii.) For granting the other relief or reliefs in accordance with law.

3. Learned counsel for the petitioner submits that there is already an application filed before the Circle Officer, Katra, Dist. - Muzaffarpur for initiation of encroachment proceeding and the counsel for the petitioner, by referring to Annexure-2, submits that the Encroachment Case No. 02/2023-2024 has been registered and Notices under sub-section (5) of Section 2 of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to the 'Act of 1956') have also been issued to persons concerned vide Notice dated 10.06.2023. But, till date, for unexplained reasons, the further proceedings have not been concluded by passing final order in the aforementioned Encroachment Case. Learned counsel for the petitioner further submits that if the Encroachment Case No. 02/2023-2024 has been initiated, the C.O., Katra, Dist. - Muzaffarpur may be directed to bring the proceedings to its logical conclusion by passing final order, in accordance with law.



4. On the other hand, learned counsel for the State submits that proceedings have already been initiated on the basis of application filed by the petitioner and the authorities may be directed to conclude the same, as notices to all concerned, under sub-section (5) of Section 2 of the Bihar Public Land Encroachment Act, 1956, have already been issued.

5. Considering the submission of the parties, this Court finds it appropriate to direct the District Magistrate, Muzaffarpur, to issue necessary direction upon the concerned authorities for initiating appropriate proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956 and, after giving notice to all concerned, necessary orders shall be passed, adjudicating the issues raised by the petitioner, and to take a final decision in the matter and in case, the land in question is found to be a public land under encroachment, the same shall be made encroachment free within the time so allowed under the statute.

6. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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