

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.585 of 2025

Hari Yadav Son of Late Phagu Yadav, Resident of Village- Aura, Police Station- Magadh University, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Pramandal, Gaya.
3. The District Magistrate, Gaya.
4. The Sub-Divisional Officer, Sadar, Gaya.
5. The Block Development Officer, Dobhi, Gaya.
6. The Circle Officer, Bodh-Gaya, Gaya.
7. The Executive Engineer, Local Area Engineering Organization, Work Pramandal No.2, Sherghati, Gaya.
8. Manoj Kumar Agrawal Son of Ramchandrar Prasad, K.P. Line, Near Mahadev Mandir, Post office- Kotwali, Police Station- Kotwali, District- Gaya.
9. Shiv Kumar Agrawal Son of Shekhan Prasad Agrawal, Purani Godam, Gaya, Police Station- Gaya Town, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Government Pleader (10)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-03-2026

Heard learned counsel for the parties.

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

(i) For giving a direction to remove the encroachment from the public land in the name of irrigation department, Government of Bihar which is a governmental canal and used by the public of Dobhi Block, Gaya. The private respondent nos. 8 and 9 are constructing the PCC Road over the land after filling soil in the canal for their personal use.



(ii) for directing the respondent no.6 to make enquiry in the matter at the earliest and pass necessary order in accordance with law so that encroachment from public land may be removed and stay the construction of PCC Road from Annapurna Rice Mill, aura to South of house of Mohatar Mian from legislator fund during the pendency of the present writ.

(iii) For any other relief for which the petitioner is found entitled to in the eye of law.

3. Learned counsel for the petitioner submits that the private respondents are encroaching upon public land by filling soil in the canal for their personal use. It is further submitted that an application has been filed before the Circle Officer, Bodh Gaya, seeking an inquiry in accordance with the procedure prescribed under the Bihar Land Encroachment Act, 1956, and that a proceeding is stated to have been initiated.

4. Learned counsel for the State submits that if such an application has been filed, the Circle Officer, Bodh Gaya may be directed to initiate appropriate proceedings under Section 3 of the Bihar Land Encroachment Act, 1956. It is further submitted that the proceedings so initiated shall be taken to their logical conclusion after issuing notice to the alleged encroachers and as also other concerned, and in the event the encroachment over public land is established, necessary orders shall be passed for removal of the same.



5. Considering the submissions of the parties, this Court deems it appropriate to direct the petitioner to file a fresh application before the Circle Officer, Bodh Gaya, along with all supporting materials, within a period of two weeks from today. Upon receipt of such application, the Circle Officer, Bodh Gaya shall take appropriate steps, including personal inspection of the land in question or through its revenue officials. If the allegations are found to be true and encroachment is established, appropriate proceedings shall be initiated against the encroachers in accordance with law. The authority shall, after issuing notice to the concerned parties, conclude the proceedings, preferably within a period of three weeks from the date of filing of the application.

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

(Ajit Kumar, J)

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