

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.763 of 2025

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Bhupendra Prasad @ Damodar Roy Son of Late Gena Roy Resident of
Village-Miyan Bairo, Post office-Hansi Kewal, Police Staion-Bhagwanpur,
District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Commissioner, Tirhut Division at Muzaffarpur
3. The Collector-Cum-District-Magistrate, Vaishali.
4. The Anchaladhikari (Circle Officer), Bhagwanpur, District-Vaishali.
5. Veerchandra Giri @ Vichchan Giri S/o-Late Mangal Giri Resident of
Village-Miyan Bairo, Post office-Hansi Kewal, Police Station-Bhagwanpur,
District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Pankaj, Advocate
For the Respondent/s	:	Mr. Standing Counsel (03)
		Ms. Bittu Kumar, AC to SC-03

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-06-2026 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. The instant writ application has been filed for the
following relief(s):-

*(i) For issuance of an appropriate writ(s)
/ order(s) /direction(s) in the nature of Mandamus
Commanding and directing the respondents
concerned to remove the encroachment from the
public land situated at Mauza- Miyan Bairo having
Thana No. 316, Khata no. 140, Plot No.315 under
Bhagwanpur Circle, District-Vaishali which has
been encroached by the private respondent (i.e.
respondent no.5) by making construction over it
which is a public land.*



(ii) For issuance of direction upon the respondents to consider the application of the petitioner already filed before them for removal of the said encroachment from public land.

(iii) For restraining the private respondent no. 5 from making further construction over the land in question.

(iv) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.

3. Learned counsel for the petitioner, by referring to the statement made in paragraph 7 of the counter affidavit, submits that the encroachment proceeding has already been initiated by the Circle Officer, Bhagwanpur, Vaishali, vide Encroachment Case No.01/2025-26 and the land in question has been identified as a public land but no further order has been passed in the said encroachment case.

4. At this stage, the petitioner is directed to file a fresh representation with regard to the encroachment, in question, giving full details of the persons who have made construction over the land and creating obstruction over the public road by blocking the same.

5. It is expected that once such an application for removal of the encroachment is filed by the petitioner, then the Circle Officer, Sasaram, will initiate the 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, in question, and once it is found that the land, in question, is a public land and the same has been encroached by the private persons, the same shall be made encroachment free within the time so allowed under the statute.

6. It is expected that the entire exercise shall be carried out and concluded within the time stipulated under the Act from the date of initiation of proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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