

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1633 of 2025

1. The Union of India through the Defence Estate Officer, Jharkhand and Bihar Circle, Danapur Cantonment.
2. The Defence Estate Officer, Jharkhand and Bihar Circle, Danapur Cantonment.
3. The Station Head-cum-Colonel, 15 Jat Regiment, Indian Army, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Director, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Muzaffarpur.
4. The Deputy Collector Land Reforms, Muzaffarpur.
5. The Circle Officer, Mushahari, Muzaffarpur.
6. Dr. Lok Shakti Son of Hind Keshari Yadav, Resident of Race Course Chakkar Maidan, Near Prabhat Tara School, Ward No. 10, P.S Kazi Mohammadpur, District- Muzaffarpur.
7. Kamla Pati, Son of Ravindra Nath Sharma, Resident of Achuara, Barh, District- Patna and at present resident of Gobarsahi Chowk, Railway Gumti No. 04, P.S. Sadar Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Nath Verma, Adv.
For the State	:	Mr. Prabhat Kumar (AC to GA 11)

CORAM: HONOURABLE MR. JUSTICE VIKASH KUMAR
ORAL ORDER

2 06-07-2026 Heard Mr. Amrendra Nath Verma, Advocate for
petitioners and Mr. Prabhat Kumar, Advocate, learned AC to GA
11 for the State.

2. The petitioner in the present writ application has
prayed for following relief/reliefs :-

*(a). For issuance of a writs in the nature of
certiorari quashing the order dated 25.01.2024 passed in*



Miscellaneous Case No. 01 of 2022 by the Collector, Muzaffarpur whereby and where under the claim of local residents including the private respondents 2nd set for use of Army-land as road has wrongly been allowed thereby virtually taking away from the petitioners their possession on the subject-land continuing since acquisition in the year 1923 itself?

b. For directing the state-respondents in general and the respondent no.3 in particular to enquire into and upset the baseless entry in the revisional survey recorded as "Gair Majarua Sarvasadharan, Kism-Rasta" whereas the said land stood fenced by Army right since acquisition wayback in the year 1923 after payment of appropriate compensation not assailed by anyone till date.

(c). For issuance of a writ of mandamus directing the respondents first set to hold a detailed enquiry with regard to the defence land appertaining to Thana No.353, New Khata No. 635, New Khesra No.1346, admeasuring 34 Decimal in Anchal: Mushahari, P.S.: Sadar, Sub Division-East Muzaffarpur acquired for the army in the year 1923 and for demarcating it for ensuring closure of all disputes once and for all.

(d). For undoing the petitioners' unnecessarily and illegally relegating to the cumbersome and long-drawn title suit before the jurisdictional civil court without title-dispute.

(e). For issuance of a writ of mandamus restraining the respondents 2nd set and other local residents from using the defence land so as to ensure safety, security & privacy of the Army.

(f). For further kind indulgence of this Hon'ble Court to look into the matter and to direct the concerned respondents to produce all connected records for perusal of the Hon'ble Court facilitating an appropriate order as to the subject land being the defence land used by Army.

(g). For any other relief/reliefs that the Hon'ble court may grant in the interest of the petitioners that may be deemed appropriate and necessary in the special facts of the case."

3. In present writ application, the petitioner Union Of India and others, have filed a petition against the order dated 25.01.2024, passed by the learned District Magistrate, Muzaffarpur in Miscellaneous Case No. 01 of 2022, whereby it was held that since the land in question belongs to Government



of Bihar and shown as road in the khatian entry, therefore, the administrative Commandant for station commander Chakkar Maidan, Circuit Housing Board, Muzaffarpur was requested to remove the pillar and barbed-wire fence from the land in question.

4. On being confronted, the learned counsel appearing on behalf of the petitioners admitted that against the impugned order, an appeal lies before the Divisional Commissioner, Tirhut Division and prayed that liberty may be granted to avail such remedy.

5. Accordingly, the present writ application is disposed of with liberty to the petitioner to avail the alternative remedy of appeal before the Divisional Commissioner, Tirhut Division, Muzaffarpur.

(Vikash Kumar, J)

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