

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.450 of 2026**

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1. Lalji Singh Son of Late Sobhi Singh @ Shobha Singh, Resident of Village Koila Deva, Tola Semarbari, Circle Phulwariya, PS Phulwariya, District Gopalganj.
  2. Paras Singh, Son of Late Sobhi Singh @ Shobha Singh, Resident of Village Koila Deva, Tola Semarbari, Circle Phulwariya, PS Phulwariya, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate, Gopalganj.
5. The Sub-Divisional Officer, Sub-Division Hathua, District Gopalganj.
6. The Circle Officer, Phulwariya, District Gopalganj.
7. The Station House Officer, Phulwariya Police Station, District Gopalganj.
8. Ramadhar Singh, Son of Heera Singh, Resident of Village Koila Deva, Tola Semarbari, Circle Phulwariya, PS Phulwariya, District Gopalganj.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Sanjay Kumar Pandey No.5 |
| For the Respondent/s | : | Mr. Subhash Singh, GA-03     |
|                      |   | Mr. Dilip Kumar, AC to GA-03 |

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**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      09-07-2026                      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/order/direction, in the nature of  
Mandamus, commanding the Respondents to*



*remove the encroachment; made by the Respondent No. 8; over the pavement of the public road having Plot No. 352, details of which has been state in Paragraph No. 3 of the present writ application.*

*(ii) and further to restore the easement of the Petitioner, so that the petitioner could go to the pucca road from his door steps, through the pavement; on amongst others the following grounds:-*

*(a) for the Plot No. 352 is a Public Road passing through the village – Koila Dewa, Tola – Semarbari.*

*(b) for that the house of the petitioners stand upon the Plot No. 350 an the easement of the petitioners, upon the pucca village road is through the pavement of the publi land belonging to Plot No 352.*

*(c) for that the Respondent No. 8 has made an encroachment upon the Public Land available between the Pucca Road and the house of the Petitioners and thus the easement of the Petitioners has got obstructed.*

*(d) For that the Petitioners filed several Respresentations before the Authorities concerned, but the Authorities are taking no interest in the removal of encroachment.*

*(e) For that due to inaction of the Respondents Authorities, the easement of the Petitioners has been stopped and the Petitioners are suffering from the irreparable injury.*



*(f) For that due to the illegal and arbitrary inaction of the Respondent Authorities the Fundamental Rights of the Petitioners as enshrined in the Constitution of India has been violated.*

3. 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.

4. It is expected that once such an application for removal of the encroachment is filed by the petitioner, then the Circle Officer, Phulwariya, Gopalganj, 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.

5. It is expected that the entire exercise shall be carried out and concluded within a period of three months from the date of initiation of proceeding under Section 3 of the Bihar



Public Land Encroachment Act, 1956.

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

**(Ajit Kumar, J)**

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