

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.202 of 2026

Vijay Kumar Jha Son of Late Mahavir Jha, Resident of Village- Vidhan Nagar, Kamala Road Jaynagar, P.S. Jaynagar, District- Madhubani and present Resident of Village- Gamahriya, P.O.- Manpaur, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Land Revenue Department, Government of Bihar, Patna.
2. The Secretary, Land Revenue Department, Government of Bihar, Patna.
3. The Collector, Madhubani, District- Madhubani.
4. The Additional Collector, Madhubani, District- Madhubani.
5. The Deputy Collector, Land Reforms Madhubani, District- Madhubani.
6. The Sub-Divisional Officer, Benipatti, District- Madhubani.
7. The Circle Officer, Benipatti, District- Madhubani.

.. ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.
For the Respondent/s : Government Pleader (18)

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) That present application is
being filed to issue a writ in the nature of
mandamus to command the respondents to
authorities remove the encroachment from
the public land as clearly mentioned in
Annexure-P/2 and Annexure-P/8 situated at*



mauza Manpaur, tole Gamahariya circle and Block Benipatti, P.S. Benipatti, Thana no. 35, P.O. Manpaur, District - Madhubani as both side of road of complete village have been encroached as mentioned in report of Anchal amin dated 11.08.2022 and 19.02.2024 (Annexure P/2 and Annexure-P/8) and said land in question have been recorded as Gairmajarua Aam and used as public Rasta and due to the encroachment of public rasta general people have to suffer from various problem”.

3. Learned counsel for the petitioner by referring to Annexure P/3 submits that an encroachment proceeding has already been initiated by the Circle Officer, Benipatti bearing Encroachment Case No. 20/2022-23 but for unexplained reason, the same has not been brought on record.

4. The petitioner is directed to file a fresh representation along with the instant order 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, Benipatti, Madhubani 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 period of three months.

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

(Ajit Kumar, J)

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