IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5329 of 2024

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Ram Dayal Singh @ Ram Dayal Singh Kushwaha S/o Late Sakhi Singh, R/V and P.O.-Pahariya, P.S. and Circle-Bhagwanpur, Dist-Kaimur (Bhabua).

... ... Petitioner

Versus

1. The State of Bihar through its Addl. Chief Secretary, Department of Revenue and Land Reforms, Patna, Bihar.
2. The District Magistrate Kaimur at Bhabua.
3. The S.D.O. Bhabua, Kaimur.
4. The Circle Officer, Bhagwanpur, Kaimur.

... ... Respondents

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Appearance :
For the Petitioner/s : Mr.Rakesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Ramadhar Singh, G.P. 25

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL JUDGMENT
Date : 20-08-2026

Heard learned counsel for the petitioner and learned counsel appearing for the State/respondents.

2. The present writ petition has been filed for the following relief:

> *"(1) That the application is being filed for issuance of the appropriate writ/writs directing the respondent authority to remove the encroachment upon the public land being used as rasta of the village and also encroachment upon the drainage of the village which has been disturbed by the encroachment made upon the land made by the anti-social elements of the village."*

3. The petitioner is aggrieved by the recurring inaction of the respondent authorities in effecting complete and

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permanent removal of encroachment upon public land recorded as 'Sarva Sadharan Rasta' and a 'Nala' recorded in the name of Bihar sarkar, which directly affects the right of way and drainage of the petitioner and the villagers at large.

4. Learned counsel for the petitioner submitted that the encroachment first arose in the year 2012, pursuant to which Encroachment Case No. 08/2012-13 was initiated against Gowardhan Bind, Sobardhan Bind, Kishori Bind and Sukhu Bind (4.5 decimals in Plot Nos. 140 and 173); and that this Hon'ble Court, in CWJC No. 3729 of 2015, vide order dated 23.09.2015, had directed the Circle Officer, Bhagwanpur, to conclude the said case within three months; and that although the encroachment was thereafter removed in the years 2016 and 2018, and the consequent contempt proceeding being M.J.C. No. 2739 of 2016 was disposed of on 07.08.2019 recording compliance, the very persons against whom action had earlier been taken, along with several other villagers, have repeatedly re-encroached upon the rasta and the nala and hence compelling the petitioner to approach this Court once again.

5. Learned counsel for the State, submitted that the encroachment earlier made by Gowardhan Bind, Sobardhan Bind, Kishori Bind and Sukhu Bind in Khata No. 157, Plot Nos.

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140 and 173, over an area of 4.5 decimals, pursuant to Encroachment Case No. 08/2012-13, was in fact removed on 26.10.2016 with the assistance of police forces. It was submitted that upon receiving information of re-encroachment, the Circle Officer directed the SHO, Bhagwanpur, to take legal action against the encroachers and to register FIR against them as well.

6. It was further submitted that upon receipt of a copy of the instant writ petition on 18.07.2024, Respondent No. 4 initiated a fresh Encroachment Case No. 01 of 2024-25 and sought a report from the concerned Rajaswa Karmchari, who, upon enquiry, found that a further plot, namely Plot No. 175 (nature: drainage/nala), had also come under encroachment after which, the Anchal Amin was directed to measure the encroached land, and upon measurement carried out on 03.08.2024 in the presence of the encroachers and villagers, it was found that a total of 13 persons including Gowardhan Bind, whose earlier encroachment had already been removed on 26.10.2016 had encroached upon parts of Plot Nos. 140 and 173 (rasta) and Plot No. 175 (nala). Later on by order dated 10.08.2024, Respondent No. 4 declared the encroached land to be public land and issued notices under Prapatra-I of the Bihar Public Land Encroachment Act, 1956 upon the encroachers. It was also submitted that upon

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Respondent No. 4's letter No. 1510 dated 10.08.2024, an FIR was registered under Section 223 of the Bharatiya Nyaya Sanhita, 2023 against Gowardhan Bind, the repeated encroacher,

7. The learned Counsel for the state lastly submitted that the encroachment shall be removed by adopting due process of law under the Bihar Public Land Encroachment Act of 1956 in the near future.

8. Having heard the parties and perused the record, it is quite clear that complete encroachment has not been removed from the land in question. It is expected that the authorities concerned shall look into the matter and shall take all positive steps in respect to removal of encroachment as expeditiously as possible after following the due process of law.

9. Accordingly, the present Writ petition stands disposed of on the aforesaid terms.

10. Pending I.As., if any, stands disposed of.

(Alok Kumar, J)

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AFR/NAFR	N A F R
CAV DATE	06.08.2026
Uploading Date	20.08.2026
Transmission Date	N.A

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