IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14138 of 2025

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Ashutosh Kumar, male, aged about 37 years, Son of Dhirendra Prasad Yadav, Resident of village- Kanp West, Ward no.08, Anchal Saur Bazar, P.S.- Saur Bazar, District- Saharsa.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Saharsa.
2. The Divisional Commissioner, Koshi Division, Patna.
3. The District Magistrate-cum-Collector, Saharsa.
4. The S.D.O. Saharsa.
5. The Circle Officer, Saur Bazar Anchal, District- Saharsa.
6. The S.H.O. of Saur Bazar Police Station, District- Saharsa.
7. Nageshwar Gupta, Son of Late Ramdahin Gupta
8. Binod Shah, Son of Late Nathar Shah
9. Dinesh Kamti, Son of Late Kari Kamti
10. Ajay Swarnakar, Son of Rameshwar Swarna
11. Ashok Kamti
12. Vikas Kamati
13. Indal Kamati, Son of Kari Kamti
14. Shivji Shah, Son of Late Bhuleti Shah
15. Rajesh Shah
16. Bablu Shah
17. Angad Shah, Son of Late Shyam Shah
18. Pannalal Yadav, Son of Late Bhutaya Yadav
19. Pramila Devi, Son of Late Pupendra Ram
20. Triful Devi, Son of Late Upendra Rai
21. Munna Sah, Son of Late Vipat Sah
22. Munna Malakar, Son of Late Jarnadan Malakar
23. Jayakant Malakar, Son of Late Darbhangi Malakar
24. Ramanand Poddar, Son of Balo Poddar
25. Nathan Malakar
26. Sanjay Malakar
27. Jitendra Malakar, Son of Choti Malakar
28. Dhaneshwar Sharma, Son of Tanuk Sharma
29. Upendra Sharma

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30. Sikandar Sharma
31. Santosh Sharma
32. Nandan Sharma
33. Mithun Sharma, Son of Dhaneshwar Sharma
34. Upendra Thakur, Son of Late Janak Thakur
35. Maya Devi, Wife of Bano Sharma
36. Jaykant Sharma, Son of Tanuk Sharma
37. Choti Bhagat, Son of Late Chunni Bhagat
38. Suren Ram, Son of Late Chandeshwari Ram
39. Ramanand Sharma, Son of Late Devu Sharma
40. Munchun Malik, Son of Late Bhantu Malik
41. Damodar Malik, Son of Late Mauju Malik
42. Wakil Malik, Son of Damodar Malik
43. Mukesh Malik, Son of Damodar Malik
44. Shivan Malik, Son of Late Mauju Malik
45. Domi Ram, Son of Late Upendra Ram @ Jabbar
46. Sadanand Yadav, Son of Late Rasbihari Yadav
47. Bechan Yadav, Son of Late Sukhdev Yadav
48. Maneka Devi
49. Laxman Bhagat, Son of Baal Dev Bhagat
50. Mahananda Bhagat, Son of Laxman Bhagat
51. Sushil Bhagat, Son of Laxman Bhagat
52. Umesh Bhagat, Son of Baal Dev Bhagat
53. Maheshwar Bhagat, Son of Baal Dev Bhagat

All Residents of village- Kanp (West) Ward No. 10, P.S.- Saur Bazar, District- Saharsa.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Shekhar Kumar Singh, Advocate
For the Respondent/s : Mr.Standing Counsel-25
For the Respondent Nos. 24, 28, 49 and 50:
Mr. Suraj Kumar, Advocate
Mr. Pramod Mishra, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

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Date : 01-11-2025

Heard learned counsel for the parties.

2. Following reliefs are sought for in the present writ petition:

> *"i. For issuance of writ/writs, order/orders, direction/directions in the nature of mandamus by way of Public Interest Litigation whereby and whereunder the petitioner is the local and social worker and prayer for addressing the issue related to the structure of illegal encroachment of Gair Mazarua Aam Land (Anabad Bihar Sarkar) the aforesaid land under Mouza Kanp Thana no. 136, Khata no. 2559, Kheshra/Plot no, 8640, 8641, 8637, 8639, 8647 Total Rakwa 7 acre land Gair Mazarua Aam land has been encroached by the private respondents no. 07 to 53 in which the aforesaid land which was donated by RajMata of the Sonbarsa State under Anchal-Saur Bazar, District- Saharsa out of whom in Plot/Kheshra no. 8646 Shiv Mahade Temple (Baba Kapeshwar Nath Dham Mandir) area 3 dismal which is situated for Puja Paadh, and remaining 5 acre land there was a pond (pokhar) and over the said Mayor (Mahaar) of the pond the private respondents are forcibly encroached the Gair Mazarua Aam Land belonging to Shiv Temple Kanp.*
>
> *ii. For Further, the petitioner being the local and social worker has appointed by a large number of village in its Aam Sabha Meeting which was held in the village on dated 25.05.2025, in which the general people of under Gram Panchayat Kanp they have recommended the name of the petitioner as a petitioner for making proper pairvi by way of Public Interest Litigation before the Hon'ble High Court, Patna for removal of illegal encroachment over the said land.*

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iii. For further, the petitioner along with the large number of villagers including the Mukhiya, Sarpanch, Ward Members as well as the other villagers they have held its meeting and taken a decision for demarcation of Gair Mazarua Aam Land for removal of illegal encroachment and accordingly, the petitioner along with the villagers they have already filed their application on 03.11.2023 before the Circle Officer, Saur Bazar, District- Saharsa and praying for demarcated the aforementioned Gair Mazarua Aam Land through Anchal Ameen and further praying for removal of illegal encroachment over the Gair Mazarua Aam Land.

iv. For further, the petitioner along with the villagers have also filed by way of the representation before the Circle Officer on dated 03.11.2023 and remainder dated 03.04.2025 before the Circle Officer, Saur Bazar, District- Saharsa and also the petitioner has submitted his representation on dated 16.04.2025 before the S.D.O. District-Saharsa and also submitted his representation dated 16.04.2025 before the District Magistrate cum Collector, Saharsa by which a large of villagers they have filed an application by way of the representation praying for removal of illegal encroachment over the said land but till today no action has been taken in this regard.

v. For further, prayed for any other relief/reliefs, order/orders, direction/directions, may deem fit and proper in the facts and circumstances of this case."

3. It has been submitted on behalf of the petitioner that on a public land, encroachment has been made by the private parties.

4. In view of the aforesaid, the petitioner is directed to

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make an appropriate application before the Respondent No. 5 under the provisions of the Bihar Public Land Encroachment Act, 1956, who shall consider and pass an appropriate order under Section 6 of the Act, preferably within a period of nine months from the date of filing of such representation, after giving opportunity of hearing to all the parties,

5. With the aforesaid observations and directions, the present writ petition stands disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2025
Transmission Date	

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