



2026:PATHC:34562

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1833 of 2022

Adhikari Devi, Wife of Late Rajendra Tiwari, Resident of Mohalla - New
Area Laxman Bigha, Ward No. 5, P.S. - Aurangabad, Dist. - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Circle Officer, Aurangabad Sadar, Aurangabad.
4. Executive Officer, Nagar Parishad, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
Mr. Priya Ranjan, Advocate

For the Respondent/s : Mr. Shailendra Kumar Dwivedi, AC to AGG-12

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 10-04-2026 Heard the learned counsel for the petitioner and the
learned AC to AGG-12 for the State

2. The present writ application has been filed seeking
following relief:-

*“(i) For issuance of writ in the nature of
mandamus for giving a direction to remove the
encroachment obstruction created by making
construction of road and drainage over raiyati
land of the petitioner situated in mouza*





Aurangabad, Thana No.560, Khata No.205/26, Plot No.627/157 area 4 ½ decimal by respondent no.4, which have been made only to give benefit of only one person namely Rang Bahadur Singh.”

3. Learned counsel for the petitioner submits that the petitioner happens to be the owner of the land detailed in paragraph ‘3’ of the writ petition filed on behalf of the petitioner containing a total area of 4 ½ decimal. It has further been submitted that road and drainage have been constructed over the part of the aforesaid land by the Executive Officer, Nagar Parishad, Aurangabad, however, there has been no permission sought from the petitioner prior to making such construction. It has next been submitted that the petitioner submitted representation dated 20.10.2018 before the respondent no.4, who has orally directed the petitioner to get her land measured by the government, Anchal Amin, on which the petitioner submitted an application on 02.04.2019 for measurement of her land and after delay of two years the land of the petitioner got measured by the Anchal Amin, who after making measurement submitted a report dated 20.07.2021 stating therein that the road and drainage over the raiyati land of the petitioner have been constructed by the respondent no.4. It has lastly been submitted that without any notice road and drainage have been constructed





over the raiyati land of the petitioner.

4. On perusal of the record, this Court finds that there is a representation made to the Executive Officer, Nagar Parishad on behalf of the petitioner with regard to his grievances however there has been no response and therefore, in the interest of justice and taking into account the fact that the case of the petitioner is that her raiyati land has been utilized for constructing road and drainage without her permission and her no objection, let the petitioner approach the learned District Magistrate, Aurangabad, respondent no.2 with a fresh representation raising all the grievances with regard to the construction of road and drainage over her raiyati land.

5. Learned District Magistrate, Aurangabad shall consider her representation along with all the relevant documents submitted on behalf of the petitioner and after getting the spot verification and fresh measurement done in the presence of the parties/authorized persons, shall pass a reasoned and speaking order within three months from the date/receipt/production of the order.

6. The present writ application stands disposed off.

7. It goes without saying that if the District Magistrate, Aurangabad, finds that the land of the petitioner has





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been utilized for the construction of road and drainage without her permission, then a suitable compensation shall be paid to the petitioner in accordance with law.

(Sourendra Pandey, J)

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