



2026:PATHC:25757

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3349 of 2026

=====

Pramod Singh S/o Late Paramhans Singh @ Prahlad Singh, Resident of village- Saidpur, P.S.- Salimpur, District- Patna, Bihar. At present-village- Mahmadpur, Ranisarai, Ward No. 27, P.O. and P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Revenue and Land reform Department, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Magistrate, Barh, Patna.
4. The Executive Officer, Nagar Parishad, Bakhtiyarpur, Patna.
5. The S.H.O., Bakhtiyarpur, Patna.
6. The Circle Officer, Bakhtiyarpur, District- Patna.
7. Vijendra Singh, Son of Late Ramcharitra Singh, Resident of Village- Mahmadpur, Ranisarai, Ward No. 27, P.O. and P.S. - Bakhtiyarpur, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar, Adv.
For the Respondent/s : Mr. Government Pleader (03)

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-03-2026 Heard the parties.

2. The present application has been preferred for the following relief(s):

a. to direct the Respondents to comply the order dated 07.01.2025 passed by Sub-Divisional Magistrate, Barh, Patna whereby whereunder the Circle Officer, Bakhtiyarpur, the Executive Officer, Bakhtiyarpur Nagar Parishad, and the Station House Officer, Bakhtiyarpur, are





hereby directed to ensure the removal of the disputed wall and staircase (platform) located in the street under their supervision, for immediate ensure removal of encroachments from the passage which is used for the entrance of the petitioner's house situated at Mauza-Mohmadpur, P.S.-Bakhtiyarpur, Khata No-09, Khesra No.56, District-Patna.

b. to direct the Respondents to ensure the passage must be vacated and not encroached by Private Respondents.

c. to issue any other direction deemed fit in the interest of justice and public welfare.

3. It is unfortunate that even for the compliance of the order passed by the Executive Officers, the petitioner has to knock the door of Patna High Court. In this particular case, the Sub-Divisional Officer, Barh passed an order on 27.01.2025 but the copy was provided vide memo no. 217 dated 25.04.2025 (after three months) (Annexure-1 to the petition).

4. The last three paragraphs of the order is/are recorded herein below:

पुनः विवादी भूमि नगर परिषद्, बख्तियारपुर में होने के कारण कार्यपालक पदाधिकारी, नगर परिषद्, बख्तियारपुर से प्रतिवेदन की माँग किया गया है। जो पत्रांक 1649 दिनांक-19.11.2024 से प्राप्त हुआ, जो अभिलेख पर उपलब्ध है। जिसे अवलोकन किया। प्रतिवेदन से स्पष्ट होता है कि प्रथम पक्ष प्रमोद सिंह के घर के





दक्षिण एवं द्वितीय पक्ष विजेन्द्र के घर के उत्तर दोनों पक्ष के बीच लगभग पॉच फीट की गली है। उसी गली से प्रथम पक्ष वगैरह का आने-जाने का रास्ता है। जिसमें विजेन्द्र सिंह द्वारा ओष्ठी का निर्माण कराये हुये है। जिसे तोड़ना आवश्यक है। उसके अलावे वर्तमान में आने-जाने का कोई रास्ता नहीं है। प्रतिवेदन के साथ बिन्दुवार प्रतिवेदन अंकित हैं, जो प्रतिवेदन के साथ संलग्न है।

उपरोक्त सभी बिन्दुओं पर गहन समीक्षोपरांत यह स्पष्ट होता है कि द्वितीय पक्ष विजेन्द्र सिंह द्वारा विवादी गली प्लॉट नं0 56 में सिढ़ी तथा प्लॉट नं0 55 में दिवार देकर आम रास्ता को अवरुद्ध एवं संकीर्ण कर दिये है। जिससे प्रथम पक्ष एवं अन्य ग्रामिणों को आने-जाने में काफी कठिनाईयाँ उत्पन्न हो रही है।

अतः अंचल अधिकारी, बख्तियारपुर, कार्यपालक पदाधिकारी, नगर परिषद्, बख्तियारपुर एवं थानाध्यक्ष, बख्तियारपुर को आदेश दिया जाता है कि अपनी निगरानी में गली में स्थित विवादित दिवार एवं सीढ़ी (ओष्ठी) को हटवाना सुनिश्चित करें। आदेश की प्रति अंचल अधिकारी, बख्तियारपुर, कार्यपालक पदाधिकारी, नगर परिषद्, बख्तियारपुर एवं थानाध्यक्ष, बख्तियारपुर को आवश्यक कार्रवाई हेतु भेजें। इसी के साथ वाद की कार्यवाही को समाप्त किया जाता है।

लेखापित एवं संशोधित

5. All the three respondent nos. 4, 5 and 6, namely, the Executive Officer, Nagar Parishad, Bakhtiyarpur, Patna, the S.H.O., Bakhtiyarpur, Patna and the Circle Officer, Bakhtiyarpur, District- Patna were directed to take immediate steps.

6. One year later, the writ petition with the grievance that the three respondents have failed to abide by the order





passed by the S.D.O., Barh.

7. In that background, this Court directs the concerned respondents to take immediate steps for compliance of the order in next four weeks from the date the copy of the order is received in their office to be provided by the petitioner or provide a reasoned order to the petitioner as to why it cannot be complied and should also record if there is any stay/ status quo with regard to the order in question by any authority/ Court.

8. Failure to do so, the Executive Officer, Nagar Parishad, Bakhtiyarpur, the S.H.O., Bakhtiyarpur, as also the Circle Officer, Bakhtiyarpur shall be facing contempt.

9. Learned State Counsel submits that he shall also be informing the three respondents today itself telephonically followed by letters.

10. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

