



2026:PATHC:86497

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13688 of 2026

1. Md. Asgar Ali Son of Md. Aminuddin, Resident of Mohalla- Old Karimganj, Road No. 2, P.S. Civil Lines, District- Gaya Ji.
2. Md. Aftab, Son of Md. Hasim, Resident of Mohalla- Road No. 3/B, New Karimganj, P.S.- Civil Lines, District- Gaya Ji.
3. Md. Khalid, Son of Md. Hasim, Resident of Mohalla- Road No. 3/B, New Karimganj, P.S.- Civil Lines, District- Gaya Ji.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya Ji.
3. The Collector, Gaya Ji.
4. The Additional Collector, (Land Reforms), Gaya Ji.
5. The Deputy Collector, (Land Reforms), Gaya Ji.
6. The Circle Officer, (Town), Gaya Ji.
7. The Circle Amin, (Town), Gaya Ji.
8. Md. Idris Khan, son of Not known to the petitioner, Resident of Mohalla- Road No. 1, Aliganj, P.S.- Chandauti, District- Gaya Ji.
9. Md. Talib, Son of Md. Idris, Resident of Mohalla- Road No. 1, Aliganj, P.S.- Chandauti, District- Gaya Ji.
10. Md. Kausar, Son of not known to petitioners, Resident of Mohalla- Road No. 1, Aliganj, P.S.- Chandauti, District- Gaya Ji.
11. The Sub-Divisional Officer, Gaya Sadar, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Mr. Standing Counsel (10)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-09-2026 Mr. Shivendra Prasad, learned counsel for the

petitioners is allowed to implead the Sub-Divisional Magistrate,

Gaya Ji as respondent no. 11 in course of the day.

2. Heard the parties.





3. The present petition has been preferred for the following relief/s:

(i) for direction to the respondents to take appropriate action for removal of encroachment over the private land of petitioners bearing Khata No. 126 (old), Plot No. 202/13278 (old) New Khata No. 1668, New Plot No. 1616 (having its area 4926.6 sq feet + 2720 sq. feet).

(ii) for direction to the respondents to demarcate the abovesaid land of petitioners after getting measurement and.

(iii) for any other relief/reliefs for which the petitioners may be found entitled in accordance with law.

4. At the outset, learned State Counsel submits that the grievance is against private respondent and the petitioners ought to have move before the Sub-Divisional Magistrate, Gaya Ji for the redressal of the grievances.

5. Learned counsel for the petitioners submit that earlier they moved before the the SHO, Civil Lines, Gaya Ji but they failed to act forcing him to file the petition.





6. Having heard the parties, this Court is of the opinion that when a petition was preferred before the SHO, Civil Lines, Gaya Ji, he/she was duty bound to conduct an enquiry and submit a report before the Sub-Divisional Magistrate, Gaya Ji. He/She failed to do so.

7. However, now that the writ petition has been filed, with the consent of the parties, the same is disposed of with a direction to the petitioners to approach the Sub-Divisional Magistrate, Gaya Ji in next four weeks who shall be getting a report, issuing notice to the other side and it is expected that the matter will be taken to its logical conclusion in accordance with law within the time frame stipulated.

8. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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