

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.228 of 2025

In

Civil Writ Jurisdiction Case No.6955 of 2024

Sanjeet Kumar Rai @ Sanjeet Kumar son of Late Shivnandan Ray, Resident of Bochaha, P.S.-Mohuddinnagar, Dist-Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Sub Divisional Officer, Samastipur, District-Samastipur.
5. The District Development Commissioner, Vaishali at Hajipur.
6. The Deputy Collector Land Reform, Samastipur, District-Samastipur.
7. The Circle Officer, Mohiuddinnagar, District-Samastipur.
8. The S.H.O. Mohiuddinnagar Police Station, District-Samastipur.
9. Subhash Kumar @ Subhash Kumar Ray, son of Sukdev RAY, Resident of Village-Harpur, Mohanpur, Police Station-Mohiuddinnagar, District-Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kaushal Kishor, Advocate
For the State	:	Mr. Additional Advocate General (12)
For the Resp. No. 9	:	Dr. Ranjeet Kumar, Advocate
		Mr. Ajay Kumar Tiwari, Advocate
		Mr. Kanishk Kaustubh, Advocate
		Ms. Lakshmi Kumari, Advocate
		Mr. Rajnish Prakash, Advocate
		Mr. Ankesha Kumar Sinha, Advocate
		Mr. Rohan Sinha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-07-2026

The 'purported' appellant impugns the judgment of the learned Single Judge in C.W.J.C. No. 6955 of



2024 dated 11.07.2024, whereby the learned Single Judge directed the petitioner therein, namely, Subhash Kumar @ Subhash Kumar Ray, to file an appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Meanwhile, it was directed that, for a period of four weeks, the status quo existing on the date of the judgment would be maintained to enable the petitioner to take appropriate steps.

2. Admittedly, the appellant herein, Sanjeet Kumar Rai @ Sanjeet Kumar, was never a party before the Writ Court in the aforesaid matter in which the impugned judgment came to be passed.

3. It is the case of the 'purported' appellant, Sanjeet Kumar Rai @ Sanjeet Kumar, that he was a necessary party to C.W.J.C. No. 6955 of 2024 but was deliberately not impleaded as a party, thereby enabling the petitioner therein (Subhash Kumar @ Subhash Kumar Ray) to conceal material facts. It is further contended that, although he had filed a *vakalatnama*, he was not heard in the writ petition, and the learned Single Judge, while passing the impugned order, failed to appreciate that the instant 'purported' appellant sought to place substantive material before the Court in the said writ petition.

4. From the submissions advanced before us, it appears that the learned counsel for the appellant before this Court, i.e., Sanjeet Kumar Rai @ Sanjeet Kumar, had



initially filed a complaint before the Circle Officer, Mohiuddinnagar, District-Samastipur, alleging encroachment by the respondent herein, namely, Subhash Kumar @ Subhash Kumar Ray. The Circle Officer concluded that the said Subhash Kumar @ Subhash Kumar Ray was an encroacher and sought to dispossess him of the property.

5. Aggrieved by the impending action of the Circle Officer, the said Subhash Kumar @ Subhash Kumar Ray approached the Writ Court by filing C.W.J.C. No. 6955 of 2024. In the said writ petition, the appellant herein, Sanjeet Kumar Rai @ Sanjeet Kumar, was neither impleaded as a party nor did he seek to be impleaded. Although learned counsel for the appellant submits that the Court ought to have taken into consideration Order I Rule 9 of the Code of Civil Procedure relating to non-joinder of parties and either dismissed the petition or allowed his impleadment as a party, we are not impressed with the said submission, as it is the responsibility of the party who seeks impleadment to take steps before the concerned Court.

6. It is also the contention of the learned counsel that he had filed a *vakalatnama* in the matter, but the Court failed to give him a hearing in the matter. We cannot convince ourselves that, despite having filed a *vakalatnama*, the Court failed to hear him. Merely filing a *vakalatnama* without making an appearance before the Court serves no purpose. This argument is thus discarded.



7. Be that as it may, as pointed out by the learned counsel for the State-respondents, the dispute is essentially between respondent no. 9 and the State-respondents in view of the action taken by the Circle Officer and has nothing to do with the appellant herein.

8. Having perused the impugned order dated 11.07.2024 passed by the learned Single Judge, we notice that the learned Single Judge specifically observed as follows:

"2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 30.11.2023 passed by the Circle Officer, Mohiuddinnagar, District-Samastipur, under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No. 13 of 2023, by filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Liberty so sought is granted.

3. It is needless to state that for a period of four weeks from today, status quo existing as on today qua the land/house of the petitioner in question shall be maintained in order to enable the petitioner to file appropriate appeal and seek interim relief."

9. Learned counsel for respondent no. 9 submits that, in compliance of the aforesaid order, an appeal has already been preferred before the competent



statutory authority, and the matter registered as Encroachment Appeal No. 48 of 2024.

10. In view of the aforesaid submissions, the judgment of the learned Single Judge having been complied with and the appellant herein having no role in the Writ Court either as a petitioner or a respondent, nothing further survives for adjudication in the present Letters Patent Appeal.

11. The appeal stands disposed of accordingly, as also all pending I.A.'s, if any.

(Soni Shrivastava, J)

(Meenakshi Madan Rai, CJ)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.07.2026
Transmission Date	

