

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9388 of 2026

=====

Bhup Narayan Singh Son of Ram Govind Singh, Resident of village Inarva Phulavar,
Chiraia, Police Station- Chiraia, District- East Champaran at Motihari, (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The District Education Officer, East Champaran at Motihari
4. The Deputy Collector of Land Reform, Sikarhana, Dhaka, District- East Champaran at Motihari.
5. The Circle Officer, Bankatva Block, District East Champaran at Motihari.
6. The Headmaster, Babu Narayan Singh Jagdish Rai High School, Inarva Phulwara, Block- Bankatva, District East Champaran at Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Tiwari, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar, G.P. 06
		Mr. Harish Kumar Goldie, A.C. to G.P. 6

=====

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 03-07-2026 Heard learned counsel for the parties.

2. This writ application has been preferred for a direction to respondents especially respondent no.6 to remove the boundary wall constructed around the Babu Nandan Singh Jagdish Rai High School, Inarva Phulwara, from the raiyati land of the petitioner, appertaining to Khata No. 36, Plot No. 1101, Mauza- Inarva Phulwara, Block- Bankatwa, District- East Champaran.

3. Learned counsel for the petitioner submits that the raiyati land of the petitioner has illegally been encroached upon by the respondent no. 6 by constructing a boundary wall around

the school. He further submits that petitioner has purchased this piece of land, bearing Plot No. 1101, along with other plots, under Khata No. 36, Mauja -Inarva Pulwara, Thana- Ghodasahan, Block- Bankatwa, District- East Champaran through a registered sale dated 26-11-1980 and since then the petitioner's family has been coming over in peaceful and continuous possession over the said piece of land.

4. Learned counsel for the petitioner also submits that respondent No. 6, the Headmaster of Government School namely, Babu Nandan Singh Jagdish Rai High School has got the boundary wall constructed on the land which belongs to the petitioner illegally without permission from the competent authority or even without permission of the petitioner. The aforesaid land has neither been acquired nor donated by the petitioner to the school.

5. In these circumstances, petitioner approached the sub-Divisional Magistrate, Sadar Motihari, for initiating a proceeding under section 144 Cr.P.C., vide Miscellaneous Case No. 174 (M) of 2025 and thereafter petitioner has also filed an application before the Circle Officer, Bankatwa along with the copy of the registered sale deed showing his right, title, possession and ownership over the said piece of land for measurement of his

land which was registered as land Measurement Case No. 50/2024-25. On the direction of the Circle Officer, Bankatwa, the land was duly measured by the Circle Ameen in presence of the concerned parties and thereafter, the Circle Ameen submitted a report dated 17.07.2025, which indisputably shows that the land on which the boundary wall of the said government school has been constructed pertains to Khata No. 36, Plot No. 1101, having an area of 1.2 katha belongs to the petitioner which is evident from Annexure P-2 as appended to the writ application.

6. Thereafter, the petitioner approached the D.C.L.R., Sikrahana by filing application dated 19.08.2025 for removal of the aforesaid encroachment in the form of illegally constructed boundary wall and he also filed a representation before the District Magistrate-cum-Collector, East Champaran at Motihari for redressal of his grievances highlighting all the points including the reports of Circle Officer, Circle Ameen etc. showing his absolute right, title and possession over the said piece of land which has illegally been encroached upon by the Headmaster of the school by constructing boundary wall thereon.

7. At this stage, Mr. Prabhat Kumar, learned G.P.-6 representing the State submits that the document as appended to the writ application does not dispute the title of the petitioner and

it appears under misconception, the respondent no. 6 has got the boundary wall constructed over the land without knowing the actual state of affairs on the ground. He also supports that petitioner has already approached the appropriate authorities in the District so he may be given liberty to approach the same for redressal of his grievances.

8. The documents brought on record and appended to the writ application in the form of various annexures indisputably show that the land, appertaining Khata No. 36, Plot No. 1101 exclusively belongs to the petitioner over which he has been coming in peaceful and continuous possession since 1980 without any interference from any of the authority, has illegally been encroached by the respondent no. 6 without having any authority to get the boundary wall constructed over the raiyati and private land of the petitioner and that too without any due permission from the District administration. It is also evident that neither the aforesaid land has been acquired nor no objection Certificate has been issued nor the petitioner has given any permission to the respondent no. 6 in the form of donation to allow him to construct such boundary wall over the said piece of the land.

9. Since the petitioner has already approached the D.C.L.R. Sikrahana on 19.08.2025 by filing a complaint for removal of

encroachment from his raiyati land which has illegally been encroached by respondent no. 6 but the same has still not been decided by the D.C.L.R., Sikranaha, Motihari. He has also filed representation before the District Magistrate highlighting all these facts and it seems that the same has fallen on deaf ears of the Collector, East Champaran, Motihari, who did not pay any heed to take any steps for removal of encroachment from the petitioner's land, thus compelled by the circumstances and indifferent approach of the district authorities, the petitioner had to approach this Court under writ jurisdiction for redressal of his grievances.

10. In this background, this Court is left with no option but to issue a positive direction to the District Magistrate-cum-Collector, East Champaran, Motihari as well as D.C.L.R., Sikrahana, Motihari to take all remedial measures to get the land of the petitioner free from the illegal and unauthorized encroachment done by the respondent no. 6, the Headmaster of the government school, who has no authority and right to encroach upon the raiyati land of the petitioner. This exercise of removal of encroachment must be completed within three months henceforth failing which serious legal consequences may entail and both the respondents i.e. the District Magistrate-cum-

Collector, East Champaran, Motihari and the D.C.L.R. Sikrahana will have to face the legal consequences as their failure to act diligently and promptly will amount to abdication of their legal duty. The grievances of the petitioner must be redressed within the aforesaid period.

11. Accordingly, this writ application is disposed off in aforesaid terms.

12. Interlocutory application(s), if any, also stands disposed off accordingly.

Saurabh.kr/
Prakash-

U			
---	--	--	--

(Rana Vikram Singh, J)