

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.816 of 2025

In
Civil Writ Jurisdiction Case No.20032 of 2013

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Millia Educational Trust Rambag Purnea through its Director namely Dr. Md. Asad Imam, Male, Aged about 71 years, Son of Late Md. Atique, Resident of Nayatola, Line Bazar, Post Office and Police Station- Khazanchi Hat, District and Town- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary (Home), Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Commissioner, Purnea Commissioner, Purnea.
5. The Deputy Inspector General of Police, Purnea.
6. The District Magistrate, Purnea.
7. The Superintendent of Police, Purnea.
8. The Additional District Magistrate, Purnea.
9. The Deputy Superintendent of Police (Head Quarter), Purnea.
10. The Sub-Divisional Officer, Sadar, Purnea.
11. The Circle Officer / Anchaladhikari, Purnea East, Purnea.
12. The Officer-in-Charge, Police Station Sadar, Purnea.
13. Akhilesh Kumar Jha, Son of Shri Indra Kumar Jha, Resident of Village and Post Office- Dibra, Police Station- Barhara Kothi, District- Purnea, presently residing at Navratan Hata, Police Station- Khajanchi Hat, District- Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abdul Abbas, Advocate
For the Respondent/s : Mr. Sanjay Kumar Ghosarvey, A.C. to A.A.G.-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-04-2026

This Letters Patent Appeal has been preferred by the

Millia Educational Trust, challenging the order dated

09.07.2025 passed by the learned Single Judge in C.W.J.C. No.



20032 of 2013.

2. The aforesaid writ petition was filed seeking the following reliefs:-

"(i) For issuance of a Writ in the nature of Writ of Mandamus, commanding/directing the respondents to take a final decision and to pass an effective Order according to law against the Respondent No.13, with immediate effect and discharge his duty to remove the illegal encroachment made by the Respondent No. 13 and to restore the possession upon the Bihar Government Land along with the required Road bearing Khata No. 444 and Khesra No. 676 which Road is used by the petitioner and other similarly situated persons, to go out and to come in, from his Raiyati lands bearing Khata No. 215 and Khesra No. 675 to Purnea Municipal Road bearing Khata No. 444 and Khesra No. 682, where that Road is crossing through the said Bihar Government land and connects to petitioner's Raiyati land to Purnea Municipal Road as well as for the same grievances by the concerned authorities required proper measurement has already been done and enquiry has also been made time to time and it is found true and accordingly reports to this effect has also, already been submitted before the concerned respondents, which is evident from the records of measurement case (Abhilekh) 24/11-12, Encroachment Case No. 3/12-13 and Purnea S.C.



and S.T. Police Station Case No. 3/2013 itself and further be pleased to direct the concerned respondents to give proper legal protection to the life and property of the petitioner and his family members after considering the above said reports, without any further delay and accordingly the petitioner be allowed to use his Raiyaty lands and lead his life freely and fairly without any fear and pressure.

(ii) And/or pass such other Order/Orders, Writ/Writs as your Lordships may think fit and proper."

3. It appears that, after the filing of the writ petition, a supplementary affidavit was filed. Thereafter, a counter affidavit was filed on behalf of Respondent Nos. 6 to 11. Subsequently, a reply to the supplementary affidavit was filed on behalf of Respondent Nos. 6 to 11, and a rejoinder/reply to the counter affidavit as well as to the supplementary affidavit was also filed.

4. When the matter was taken up on 09.07.2025, it was submitted that the main prayer of the petitioner was for removal of the alleged illegal encroachment made by Respondent No. 13 and for restoration of possession of the Bihar Government land, along with the road appertaining to Khata No. 444 and Khesra No. 676. At that stage, learned



counsel appearing for the respondents submitted that the encroachment in question had already been removed.

5. In view of the aforesaid submissions, the learned Single Judge passed the following order:

"5. There is no dispute between the parties that the order dated 13.03.2013 passed by the SDO, Sadar, Purnea is in favour of the petitioner and as per the same the grievance of the petitioner has to be addressed.

6. The learned District Magistrate, Purnea is directed to ensure that the order dated 13.03.2013 passed in Land Encroachment Case No. 03 of 2012-13 is carried out and if there is still any encroachment left to be removed then the same should be removed as soon as possible."

6. Learned counsel for the appellant submitted that no counter affidavit could be filed on behalf of Respondent No. 13. However, taking regard to the nature of the relief sought in the writ petition, as well as the submission made by learned counsel for the Respondents that the encroachment in question has already been removed, the matter was considered accordingly.

7. Upon due consideration, we find that the impugned order passed by the learned Single Judge is well-reasoned and justified. No perversity or illegality is found in the said order so



as to justify interference by this Court in the present Letters Patent Appeal.

8. Accordingly, the Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

Neha/-

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CAV DATE	
Uploading Date	02.04.2026
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