IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.772 of 2026

CNR No. BRHC010910482026

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1. Babu Nandan Singh(wrongly Stated as Babu Narayan Singh in the order impugnedJagdish Rai High School Village - Inarva Phulwar, Bankatva, District - East Champaran at Motihari through its Headmaster-cum-Secretary namely Punyadeo Prasad Yadav.
2. Punyadeo Prasad Yadav, Son of Ram Ayodhya Ray, Resident of Ward No. 12, village - Bela, Police Station-....., District - East Champaran the Headmaster cum Secretary of Babu Nandan Singh Jagdish Rai High School, Village - Inarva Phulwar, Circle - Bankatwa, District East Champaran at Motihari.

... ... Appellant/s

Versus

1. Bhup Narayan Singh Son of - Ram Govind Singh, Resident of Village - Inarva Phulavar, Police Station - Chiraia, District - East Champaran at Motihari (Bihar).
2. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran at Motihari.
5. The District Education Officer, East Champaran at Motihari.
6. The Deputy Collector (Land Reforms), Sub-Division - Sikarhana at Dhaka, District- East Champaran at Motihari.
7. The Circle Officer, Circle - Bankatwa, District - East Champaran at Motihari.

... ... Respondent/s

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Appearance :

For the Appellant/s : Mr.Sudhanshu Kumar, Advocate

For the Respondent/s : Mr. Chandra Kant, Advocate

Mr.Sanjay Kumar Tiwari , Advocate

Mr. Sudhanshu Prakash , Advocate

Ms. Ayushi Gupta , Advocate

Mr. Sakshan Anand , Advocate

Ms. Karnika, Advocate

Mr. Navin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

Date : 20-11-2026

Heard learned counsel for the parties concerned.

2. The present Intra Court Appeal has been preferred against the order dated 03.07.2026 passed by the learned Single Judge in CWJC No. 9388 of 2026 whereby the writ petition was disposed of with a direction to the District Magistrate-cum-Collector, East Champaran, Motihari and the Deputy Collector Land Reforms (D.C.L.R.), Sikrahana to remove the alleged encroachment from the raiyati land claimed by the writ petitioner and deliver possession thereof within three months, failing which, the concerned authorities were made liable for legal consequences.

3. The writ petition was filed seeking a direction to the respondents particularly respondent no. 6 / appellant to remove the boundary wall constructed around Babu Nandan Singh Jagdish Rai High School, Inarva Phulwara, from the petitioner's raiyati land appertaining to Khata No. 36, Plot No. 1101, Mauza Inarva Phulwara, Block- Bankatwa, District East Champaran.

4. Learned counsel appearing for the appellants submits that

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the impugned order was passed without affording any opportunity of hearing to the appellant-school although the directions issued therein directly affected its possession over the land in question. It is contended that that the appellant-school has been in possession of the land in question on the basis of a registered deed of donation executed on 15.12.1986 bearing Deed No. 10813 by one Raghuveer Singh. Apart from the afore-said land, other adjoining plots were also donated by different persons for the establishment and functioning of the school aggregating to 1 Bigha, 15 Kathas and 19½ Dhurs in respect of which Jamabandi No. 1688 was created in the school's name.

5. It is further submitted that the school has constructed its boundary wall and other buildings over the donated land and has been functioning thereon for several decades. The appellants dispute the writ petitioner's claim over the land appertaining to Khata No. 36, Plot No. 1101 and contend that the learned Single Judge directed removal of the boundary wall and delivery of possession without examining the rival documents or hearing the school. The appellant was made respondent no 6 but writ petition has been allowed without notice to the appellant and order passed behind his back.

6. It is also submitted that the appellant is a government-

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aided institution and not a government school as described in the impugned order. The Headmaster, who represents the school and whose actions were directly questioned in the writ petition, was not afforded any opportunity to place the school's case before the writ court.

7. Per contra, learned counsel appearing for the writ petitioner submits that the petitioner purchased the raiyati land appertaining to Khata No. 36, Plot No. 1101 through a registered sale deed dated 26.11.1980 and has remained in peaceful possession thereof. It is contended that respondent no. 6, the Headmaster of the school, illegally encroached upon 1.2 Kathas of the said land by constructing a boundary wall. In support of his claim, reliance is placed upon the measurement report dated 17.07.2025 submitted by the Circle Ameen in Land Measurement Case No. 50/2024-25.

8. It is further submitted that despite filing a complaint before the D.C.L.R., Sikrahana on 19.08.2025 and a representation before the District Magistrate-cum-Collector, East Champaran, no effective action was taken, compelling the petitioner to invoke the writ jurisdiction of this Court. Learned counsel also submits that the D.C.L.R. has no jurisdiction to adjudicate disputes relating to raiyati land. It is, therefore,

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contended that the learned Single Judge rightly directed removal of the encroachment and delivery of possession.

9. We have considered the rival submissions advanced on behalf of the parties and perused the materials available on record including the impugned order.

10. It is evident that the writ petitioner claims ownership over the disputed land on the strength of a registered sale deed dated 26.11.1980 and relies upon the measurement report dated 17.07.2025. On the other hand, the appellant-school claims that the land forms part of the property donated to it through registered deeds of donation including the deed dated 15.12.1986 and relies upon Jamabandi No. 1688. Thus, the rival claims involve disputed questions concerning the identity of the land, its title and possession, which could not have been conclusively determined without hearing the appellant-school and examining the documents relied upon by both sides.

11. At this stage, it would also be relevant to notice Section 4 of the Bihar Land Disputes Resolution Act, 2009 which provides for the jurisdiction and authority of the competent authority to adjudicate specified categories of land disputes. Clause (d) of sub-section (1) expressly includes matters relating to raiyati land within its ambit. Therefore, the objection raised

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on behalf of the writ petitioner regarding the jurisdiction of the competent authority to entertain disputes concerning raiyati land cannot be accepted.

12. In the present case, the learned Single Judge directed removal of the boundary wall and delivery of possession within a stipulated period without examining the rival claims or affording the appellant-school an opportunity of hearing. Such a direction, having direct adverse consequences, could not have been issued without considering the school's claim and the relevant documentary evidence.

13. We are, therefore, of the considered view that the impugned order, for removal of the alleged encroachment and delivery of possession to the writ petitioner without adjudication of the rival claims after hearing the appellant-school cannot be sustained.

14. Accordingly, the present Letters Patent Appeal is allowed. The order dated 03.07.2026 passed by learned Single Judge in CWJC No. 9388 of 2026 is set aside.

15. The respondent-writ petitioner is given liberty to file an appropriate application before the concerned DCLR, Sikarhana at Dhaka, District- East Champaran at Motihari under Section 4 of the Bihar Land Disputes Resolution Act for redressal of his

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grievances. If such an application is filed by the writ petitioner, the DCLR, Sikarhana, East Champaran shall be obliged to decide the application / dispute by passing a speaking and reasoned order in accordance with law after issuing notice to the concerned school / Headmaster and giving personal hearing to all the concerned parties.

16. It is made clear that this Court has not expressed its opinion on the merits of the case of the respective parties and all such issues shall be independently considered by the competent authority.

(Anil Kumar Sinha, J)

(Ramesh Chand Malviya, J)

praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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