

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.39 of 2025

In
Civil Writ Jurisdiction Case No.3087 of 2024

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Kamta Prasad Sharma @ Kamta Pandey S/o-Late Shri Pandey R/o-Bakaur,
P.S.-Islampur, District-Nalanda (Bihar Sharif), State Bihar.

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar. Patna.
2. The District Magistrate, Nalanda at Bihar Sharif.
3. The Superintendent of Police, Nalanda at Bihar Sharif.
4. The Circle Officer, Islampur, District -Nalanda.
5. The Deputy Collector, Land Reform Officer, Nalanda at Bihar Sharif.
6. Sub-Divisional Officer, Hilsa, District- Nalanda.
7. Inspector Cum S.H.O., Islampur Police Station, District-Nalanda.
8. Fanindra Kumar Pandey Son of Badari Narayan Sharma Resident of Village-
Bakaur, Police Station-Islampur, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Kumar Yadav, Advocate
For the Respondent/s : Mr.Additional Advocate General (12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-01-2026



The Letters Patent Appeal has been filed by the appellant against the order dated 11.12.2024 passed by the learned Single Judge in CWJC No. 3087 of 2024.

2. The writ petition was filed for the following relief(s):-

“i. For issuance of appropriate writ/ writs, order/ orders, direction/ directions for quashing/ setting aside the order dated 19.01.2024 vide Memo No.-143 passed in Encroachment Case No. 2/2012-13 by Circle Officer, Islampur, District Nalanda against the petitioner in compliance of order dated 01.02.2024 passed in CWJC No.- 4141 of 2020 by this Hon'ble Court (Fanindra Kumar Pandey Vs. The District Magistrate, Nalanda & Others) under which petitioner has been made Respondent No.-6. The said order is quite illegal, void, wrong and malafide against the petitioner under which notices were issued to the petitioner mentioning Khata No.-214, Khesra No. 1490/2869/1273 area 0.01 Acre. The area belongs to petitioner. The area is not 1 Acre rather 1 decimal and by that illegal process against the petitioner earlier his two-story building was demolished by respondent no.-2, 5 and 6 in vide notice issued by respondent no.-6 on dated 08.11.2022 in Encroachment No.-7/2012-13. In consequence there of petitioner had to face damage of approx. 47,00,000/- Rupees (Forty Seven Lakh Rupees) and his household articles were also damaged by applying labourers for demolition by said respondents.

ii. For issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents to remove illegal encroachment upon petitioner's land and protect the life and property of petitioner and his son namely Sikandar which is at stake by dire threatening and harassment by respondent no. 6, 7 and 8. The petitioner's land over which the two story building was built as Khata No.-214, Khesra No.-1495/1277, Thana No. 63 and total area 0.1 Decimal land in question upon which petitioner had got bonafide right, title and possession more than fifty years (previously fifty years).

iii. For issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents



to pay the approx. damage of Rs. 4700000/- (Forty Seven Lakh Rupees) to the petitioner for demolition of his two story building house and damaging costly household articles by respondent no.- 2, 5, 6 and 7 with malafide and illegal manners during pendency of writ application as CWJC No.- 1441 of 2020 (Fahindra Kumar Pandey Vs. D.M., Nalanda & others) in which petitioner has made private respondent no.-6.

iv. For issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding to punish the respondents no. 6 and for misinterpreting and manipulating the order passed by this Hon'ble Court in said CWJC No. 4141 of 2020 under which petitioner's house was demolished by not adopting due process of law by said respondent no.-6 vide two notice dated 08.11.2022 in Encroachment Case No.- 2/12-13 and 7/2012-13, consequently.

v. For issuance of appropriate writ/ writs, order/ orders, direction/ directions to restore the possession over petitioner's land in question bearing Khata No.-214, Khesra No.- 1495/1277, Thana No. 63, total area 0.1 decimals of land upon which petitioner's two story house was demolished by the respondent no.-2, 5, 6 and 7 intentionally and illegally in name of illegal encroachment. For issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding the respondent no.-1 to restrain the respondent no.-6 for further demolition of his house vide order dated 19.01.2024 Memo No. 143 by adopting illegal process of encroachment as ready to demolish the petitioner's house. Earlier respondent no.-6 issued two illegal notices to petitioner in which wrong khata and plot number is mentioned and by misinterpreting and illegally compliance of the order of this Hon'ble Court passed in CWJC No.- 4141 of 2020 which is still pending for adjudication before this Hon'ble Court, demolished the structure of house of the petitioner earlier.”

3. The counter affidavit was filed on behalf of respondent nos. 2, 4, 5 & 6 in which it has been highlighted as follows:-

“4. That the present writ petition has been filed on



behalf of the petitioner for setting aside the order dated 19.01.2024 contained in memo no. 143 passed in Encroachment Case No. 02/2012-13 by the respondent then Circle Officer, Islampur in compliance to the order dated 01.02.2024 passed in C.W.J.C. No. 4141/2020, Fanindra Kumar Pandey versus the State of Bihar and others by the Hon'ble High Court, in which the petitioner has been made as respondent no. 06. It is further asserted by the petitioner that the said order has been passed illegally against him, under which he was directed to remove the encroachment from the land bearing Khata no. 214, Khesra no. 1490/2869/1273, Area 0.01 acre and by the said proceeding earlier his two story building was demolished on 08.11.2022 causing damage of approx Rs. 47,00000/-to the petitioner. The petitioner further sought direction to the respondents to remove illegal encroachment from his above said land and to protect his life and property which is at stake by dire threatening and harassment by the respondent no. 6 to 8. The petitioner also sought direction to the respondent authorities to pay the damage of approx Rs. 47,00000/- caused to the petitioner on account of damage of his two story building and house hold articles and to punish the respondent no. 06 for misinterpreting and manipulating the order passed by the Hon'ble Court in C.W.J.C. No. 4141/2020, under which the petitioner's house was demolished by the respondent no. 06 on 08.11.2022 in a proceeding under Encroachment Case No. 02/2012-13 and 07/2012-13 and further to restore the possession of the petitioner over the said land and to restrain the respondent no. 06 for further demolition of his house in consequence to the notice vide memo no. 143, dated 19.01.2024.”

4. When the matter was taken up finally on 11.12.2024, submission was made that an encroachment proceeding vide Encroachment Case No. 02 of 2012-13 and another Encroachment Case No. 07 of 2012-13 had been initiated under the provisions of Section 6(1) of the Bihar Public Land Encroachment Act, 1956 and since the matter was pending and



final order was to be passed, on the consent of both the parties,
the case was disposed of observing as follows:-

“As far as the first case i.e. CWJC No. 4141 of 2020 is concerned, the Circle Officer, Islampur, District-Nalanda, i.e. the Respondent No. 4, has already initiated Encroachment Case No. 2 of 2012-13, nonetheless, it is submitted by the learned counsel for the Respondent-State that though the same is yet to be concluded but the same would definitely be finalized, by passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of six weeks from today and thereafter, appropriate action shall be taken accordingly. It is directed accordingly.

2. As far as the second case i.e. CWJC No. 3087 of 2024 is concerned, the Circle Officer, Islampur, District-Nalanda, i.e. the Respondent No. 6, has initiated encroachment proceedings vide Encroachment Case No. 7 of 2012-13, however, the learned counsel for the Respondent-State submits that the same is still pending, nonetheless, the same would be concluded, by passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of six weeks from today and thereafter, appropriate action shall be taken accordingly. It is directed accordingly.

3. Accordingly, the present writ petitions stand disposed off on the aforesaid terms, especially in view of the fact that the Ld. Counsels for the petitioners of the aforesaid two cases do not have any objection to conclusion of the aforesaid encroachment proceedings.”

5. In view of the order dated 11.12.2024 and the limited scope of interference in the Letters Patent Appeal, we find no perversity and illegality in the order impugned so as to



be interferred with.

6. Accordingly, the Letters Patent Appeal stands dismissed.

7. Pending I.A., if any, stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Ritesh Kumar, J)

ranjan-guddu/-

AFR/NAFR	NAFR
CAV DATE	NA
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