

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6449 of 2017

1. Vishnu Shankar Singh and Ors son of Late Ram Narain Singh, resident of Village- Betauna, P.S.- Patahi, District- East Champaran.
2. Vinod Kumar Singh,
3. Arbind Kumar Singh, Both sons of Shri Shiv Mangal Singh, Both residents of Village- Padumker, P.S.- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector of the District- East Champaran.
3. Shri Shailesh Kumar, son of name not known, The Sub-Divisional Magistrate, Pakaridayal, East Champa
4. Shri Rahul Kumar, son of name not known, The D.C.L.R., Pakaridayal, East Champaran.
5. Shri Vinay Kumar, son of name not known, Circle Officer, Patahi Block, District- East Champaran.
6. Shri Amar Kumar, son of name not known, The Block Development Officer, Patahi Block, District- East
7. Shri Vijay Kumar Yadav, son of name not known, The Sub-Divisional Police Officer, Pakaridayal, Dist
8. Narendra Kumar, son of name not known, The Station House Officer, Police Station- Patahi, District
9. Shri Awadhesh Tiwary, son of name not known, The Head Master of Shingheshwar Seminary 2 Inter Colle

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Adv. Mr. Ajay Kumar Mishra, Adv. Mr. Shailendra Kr. Singh, Adv. Mr. Karu Kumar, Adv. Mr. Shubh Raj, Adv. Mr. Shubham Samrat, Adv.
For the Respondent/s	:	Mr. Md Khurshid Alam-Aag12
For State	:	Mr. Ebadur Rehman Shakeb, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
C.A.V JUDGMENT

Date : 10-09-2026

Heard Shri. Shailendra Kr. Singh, learned counsel
for the petitioners as well as learned counsel for the State and
Respondent no. 9.

RELIEFS

2. The petitioners have preferred the writ



application bearing CWJC No. 6449/2017, seeking issuance of a writ in the nature of *mandamus* directing the respondents to pay adequate compensation for the damage caused to the pucca boundary wall of Petitioner No. 1 and the house and boundary wall of Petitioner Nos. 2 and 3, which were allegedly demolished by the respondents. Petitioner No. 1 has claimed compensation of Rs. 3,12,000/- for the demolition of his pucca boundary wall, whereas Petitioner Nos. 2 and 3 have jointly claimed compensation of Rs. 6,40,000/- for the demolition of their house and boundary wall. The petitioners have further prayed for a direction to the respondents not to take possession of, or interfere with, their peaceful possession over the land in question, which they claim to have acquired by virtue of the registered sale deeds dated 25.02.2015 and over which they claim to have been in peaceful possession.

FACTS

3. The short facts giving rise to the present case are that the land in question, being Khata No. 230, Plot No. 3361, was originally recorded as *Gairmazarua Malik* and in the year 1944, the same was settled by the ex-landlord in favour of the original tenant, namely Sheo Gobind Hazara. The petitioners



claim their title through the said settlement and the subsequent transfer of the land. The relevant *malik patta* is marked as ***Annexure-1*** to the writ application. Petitioner No. 1 purchased 1 Katha 7 Dhurs of land pertaining to the aforesaid Khata and Plot by registered sale deed No. 621 dated 25.02.2015, whereas Petitioner Nos. 2 and 3 purchased 3 Kathas of land in the same plot by registered Sale Deed No. 623 dated 25.02.2015, and claim to have been in peaceful possession thereof.

4. Thereafter, Respondent No. 9 sought to disturb the possession of the petitioners over the land in question, pursuant to which Misc. Case No. 106 of 2015 under Section 144 of the Code of Criminal Procedure was initiated. The concerned authority conducted a local inspection and submitted a report dated 13.04.2015, and thereafter, the proceedings under Section 144 Cr.P.C. were dropped by the order dated 24.07.2015. The aforesaid report and order have been brought on record as ***Annexures-2 and 3*** to the writ application.

5. That despite the aforesaid proceedings having been dropped, Respondent No. 9 again sought to disturb the peaceful possession of the petitioners and raised a claim over the land in question. It is the case of the petitioners that the



school authorities had relied upon certain documents relating to approximately 11 *Bighas* 2 *1/2 Dhurs* of land, whereas, according to the petitioners, the documents relied upon by Respondent No. 9 did not establish its title over the land in possession of the petitioners.

6. Thereafter, Encroachment Case No. 04/2016-17 was initiated by the respondent authorities, wherein the respondents claim that notices were served upon the petitioners; however, the petitioners have specifically denied having being served with any such notice.

7. That thereafter, allegedly pursuant to a dharna/assembly of persons at the instance of Respondent No. 9, Respondent Nos. 3 to 8 reached the spot along with a JCB machine, and the structures standing over the land in possession of the petitioners were demolished on 11.04.2017. The petitioners allege that the demolition was carried out without any lawful order or authority, without affording them any opportunity of being heard and without following the procedure prescribed under law. It is further alleged that the respondents failed to produce any order authorizing such demolition and that the persons assembled at the spot were permitted to take away



the materials from the demolished structures.

8. That the aforesaid action resulted in the demolition of the pucca boundary wall of Petitioner No. 1 and the house and boundary wall of Petitioner Nos. 2 and 3, causing substantial damage to the petitioners. Petitioner No. 1 has assessed the loss caused to his pucca boundary wall at Rs. 3,12,000/-, whereas Petitioner Nos. 2 and 3 have jointly assessed the damage caused to their house and boundary wall at Rs. 6,40,000/-, for which compensation has been sought in the present writ application.

Submissions on behalf of the Petitioners

9. Learned counsel submitted that no order for the demolition/removal of the alleged encroachment was ever passed by the competent authority under the Bihar Public Land Encroachment Act, 1956. The respondents, in their counter-affidavit, have themselves admitted that no such final order directing the demolition was passed.

10. It was further submitted that, in the counter-affidavit, the respondents have admitted the existence of two rooms and a boundary wall belonging to the petitioners, which



were demolished.

11. Learned counsel submitted that the respondents now seek to contend that they had no role in the demolition and that the structures were demolished by a mob. Such a stand is misconceived, particularly when the demolition took place in the presence of the authorities and without any lawful order.

12. It was argued that the petitioners cannot be deprived of their property except by the authority of law, and their right under Article 300-A of the Constitution of India cannot be taken away in such a manner. The right to shelter/house also cannot be deprived by such State action, which would be in complete violation of Article 21 of the Constitution of India.

13. Learned counsel further submitted that, even if the land was not settled with the petitioners, the same would not authorize the demolition of the structures standing thereon, particularly in the absence of any order or proceeding by the competent authorities authorizing such demolition and that too without following due process of law.

14. The next submission was about the mala fide



conduct of the authorities. It was submitted that the present writ petition was instituted on 12.04.2017, whereas the proceedings for cancellation of *jamabandi* were initiated against the petitioners thereafter, on 08.06.2017. Learned counsel submitted that the initiation of such proceedings after the institution of the writ petition is indicative of the mala fide action of the authorities.

15. Learned counsel, however, submitted that the petitioners are only seeking nominal/appropriate compensation for the demolition and the damage caused and are not insisting upon an excessive amount.

JUDGEMENTS RELIED UPON BY THE PETITIONERS

16. Learned counsel for the petitioners has placed reliance upon the judgment of this Court in *M/s Hindusthan Petroleum Corporation Ltd. v. The State of Bihar & Ors., reported in AIR 1996 Patna 163*, and has referred to paragraphs 54, 55, 57, 59 and 60 thereof.

54. The law on this point was settled long ago by the Privy Council and also in the decision of the



Constitution Bench of the Supreme Court in the case of [Bishan Das v. The State of Punjab](#), reported in AIR 1961 SC 1570. Here this Court can do no better than quote from paragraph 14 (page 1575 of the report) the relevant excerpts from the judgment in [Bishandas's case \(supra\)](#):--

"The petitioners could be dispossessed, if at all, only in pursuance of a decree of a Civil Court obtained in proceedings properly initiated. In these circumstances the action of the Government in taking the law into their hands and dispossessing the petitioners by the display of force, exhibits a callous disregard of the normal requirements of the rule of law apart from what might legitimately and reasonably be expected from a Government functioning in a society governed by a Constitution which



guarantees to its citizens against arbitrary invasion by the executive of peaceful possession of property."

55. In [Lallu Jaswant Singh v. Rao Jagdish Singh](#), reported in AIR 1968 SC 620, the Hon'ble Judges of the Supreme Court expressly approved the enunciation of law in this aspect by Bombay High Court in *K. K. Verma* (AIR 1954 Bom 358) (*supra*) and also quoted with approval the legal principles settled by the Privy Council in *Midnapur Zamindary Co. Limited* (51 Ind App 243) as follows:--

"In India persons are not permitted to take forcible possession; they must obtain such possession as they are entitled to through a Court."

57. The ratio of [Bishan Das](#) (AIR 1961 SC 1570) (*supra*) has been affirmed in [State of U.P. v. Maharaja Dharmendar](#)



Prasad Singh reported in AIR 1989 SC 997. In paragraph 15 of the report at p. 1004, it has been held that the possession of the lessee, even after the expiry of the lease or its termination, is juridical in nature and 'forcible dispossession is prohibited,' and the 'lessee cannot be dispossessed otherwise than in due course of law'.

59. In the recent judgment of the Supreme Court in the case of Samir Sobhan Sanyal v. Tracks Trade Pvt. Limited reported in 1996 AIR SCW 2539, the Supreme Court did not approve of the eviction of the appellant from the demised premises without taking recourse to any process of law, even without deciding the question whether the appellant is entitled to remain in possession. The Hon'ble Supreme Court directed the respondents to put the appellant back



in possession within 24 hours. The rationale behind such an order was explained by the Supreme Court as follows:--

"The Court cannot blink at their unlawful conduct to dispossess the appellant from demised property and would say that the status quo be maintained. If the Court gives acceptance to such high-handed action, there will be no respect for rule of law and unlawful elements would take hold of the due process of law for ransom and it would be a field-day for anarchy. Due process of law would be put to ridicule in the estimate of law-abiding citizens and rule of law would remain a mortuary."

60. This Court also feels that by their illegal acts the P.R.D.A. authorities have not only demolished the structure



of the petitioner Company, but they have at the same time caused a severe dent to the edifice of the rule of law on which is based the administration of justice. Justice is, as is well-known, rooted in confidence. When ordinary men see that suddenly the structures of a petrol pump which were there for almost the last forty years and which was bona fide carrying on its business are razed to the ground at the instance of governmental authorities and with the help of police, they would obviously go away thinking that liberty and property of people are at the total mercy of the Government and its men. That instead of there being a Government of laws, it has degenerated into a Government of men. This would certainly shock their faith in the efficacy of the judicial system. At least this wanton display of



*arrogance on the part of the executive
authority has shocked the conscience
of this Court.*

17. Learned counsel appearing on behalf of Petitioners have further placed reliance upon the judgment of the Hon'ble Supreme Court in ***In Re Directions in the Matter of Demolition of Structures, (2025) 5 SCC 1***, wherein the Hon'ble Supreme Court has laid down certain guidelines governing the demolition of structures. The opening observations of the said judgment, as relied upon by learned counsel, are reproduced hereinbelow:

"अपना घर हो, अपना आंगन हो,

इस ख्वाब में हर कोई जीता है।

इंसान के दिल की ये चाहत है,

कि एक घर का सपना कभी न छूटे।"

18. Learned counsel appearing on behalf of the petitioners has further placed reliance upon the judgment of the Hon'ble Supreme Court in ***Zulfiqar Haider & Anr. v. State of Uttar Pradesh, [2025] 5 S.C.R. 205***, wherein, in paragraph 7 thereof, reference has been made to paragraph 91 of the



judgment in *In Re Directions in the Matter of Demolition of Structures, (2025) 5 SCC 1*, has been referred to. The relevant portion thereof is reproduced hereinbelow:

7. As far as service of notice is concerned, the law has been subsequently laid down by this Court in the case of In Re: Directions in the matter of demolition of structures. Paragraph 91A of the said judgment reads thus:

“91. At the outset, we clarify that these directions will not be applicable if there is an unauthorized structure in any public place such as road, street, footpath, abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a Court of law.

Submissions on behalf of the State

19. Learned counsel appearing for the State



submitted that notice had been issued to the petitioners in the encroachment proceeding and, therefore, the State authorities had acted in accordance with the prescribed procedure.

20. It was further submitted that no order of demolition had been passed by the competent authority, and the State authorities had no role in the actual demolition of the structures.

21. Learned counsel submitted that the demolition was carried out by the mob/unsocial elements, and the State cannot be held responsible for the same.

22. Learned counsel for the State submitted that the newspaper article relied upon by the petitioners, purportedly reporting the demolition carried out by the authorities, cannot be relied upon to establish the factum of such demolition; such document/newspaper report is inadmissible.

Submission on behalf of Respondent No. 9

23. Learned counsel appearing for Respondent No. 9 made a limited submission that the earlier Headmaster who had made a complaint against the petitioners has retired and, therefore, any further notice, if required, may be served upon the



present Headmaster of the concerned institution.

However, it is manifest from the records that no counter-affidavit has been filed on behalf of Respondent no. 9

CONCLUSION

24. From the materials on record, it appears that *Jamabandi* was running in the name of the petitioners and, as such, they were in possession and were issued rent receipts from time to time. An encroachment proceeding initiated at the instance of Respondent no. 9 was pending, and as such, the respondent authorities had not issued any order regarding demolition of the boundary wall or the petitioners' house. The catastrophe took place on 11.04.17 in the presence of the police and the authorities, as the demolition was carried out by the use of a JCB machine while the authorities remained mute spectators. In the supplementary counter affidavit filed on behalf of Respondent No. 2, i.e. the District Magistrate, East Champaran, the facts regarding the demolition, including the statement that a mob carried out the same and that the authorities had passed no order or decision for such demolition, have been stated in paragraphs 12 and 13 thereof. The relevant portion of paragraphs 12 & 13 of the supplementary counter



affidavit is reproduced hereinbelow:

*12. The committee verification was made on the spot of the land in question. **Two old rooms and a damaged boundary wall was found on the land in question.** Local Public Stated before the Committee that there was a public protest in the year 2017 against construction being made over the road connecting Sigheshwar Seminary (High School) to the main road.*

*13. Regarding the explanation related to the demolition of the boundary wall of the committee verification letter that no. petitioners made again, and the spot reported vide 28 dated 13-01-2025, **the aggressive crowd had damaged the boundary wall of the premises of the petitioners.***

Photo State copy of the committee



report is being annexed and marked as Annexure R/9 to this Supplementary Counter Affidavit. No order relating to removal or demolition of any type of construction has been found in any record.

25. The aforesaid facts make it clear that demolition of the boundary wall or house happened in the presence of authorities without any order in the encroachment proceeding. Yet the authorities did not take any step to lodge an FIR against the wrongdoers; on the contrary, when they learnt about the case having been filed by the petitioners before this Hon'ble Court, instead of consoling and having a sympathetic concern towards the petitioners, the authorities proceeded with the cancellation of the *Jamabandi* of the petitioners before the Additional Collector, East Champaran, under Section 9 of Bihar Mutation Act, 2011, which is pending for final adjudication.

26. Besides that, the Collector and the authorities did not even consider the payment of interim compensation to the petitioners, which shows a very callous attitude on the part of the authorities, as the Collector remains the custodian of the



property during the pendency of any encroachment proceeding between the parties.

27. Furthermore, the right to shelter is a fundamental right enshrined under Article 21 of the Constitution of India, and deprivation of property is envisaged under Article 300-A of the Constitution of India. A catena of judgments has addressed this point.

Judgments Considered by this Court

28. In this regard, this Court has also considered the judgments of the Hon'ble Supreme Court in ***Olga Tellis & Ors. v. Bombay Municipal Corporation & Ors., (1985) 3 SCC 545***, and ***Chameli Singh & Ors. v. State of Uttar Pradesh & Anr., (1996) 2 SCC 549***, which recognize the right to life and shelter as protected under Article 21 of the Constitution of India and the constitutional protection against deprivation of property under Article 300-A thereof.

29. In this regard, this Court has also considered the judgment of the Hon'ble Supreme Court in ***Destruction of Public & Private Properties In Re v. State of Andhra Pradesh, (2009) 5 SCC 212***, and the relevant portion of paragraph 13



thereof is reproduced hereinbelow:

13. So far as the Committee headed by Mr F.S. Nariman is concerned the recommendations and the views are essentially as follows:

“There is a connection between tort and crime—the purpose of the criminal law is to protect the public interest and punish wrongdoers, the purpose of tort law is to vindicate the rights of the individual and compensate the victim for loss, injury or damage suffered by him, however, the distinction in purpose between criminal law and the law of tort is not entirely crystal clear, and it has been developed from case to case. The availability of exemplary damages in certain torts (for instance) suggest an overtly punitive function, but one thing is clear, tort and criminal law



have always shared a deterrent function in relation to wrongdoing.

The entire history of the development of the tort law shows a continuous tendency, which is naturally not uniform in all common law countries, to recognise as worthy of legal protection, interests which were previously not protected at all or were infrequently protected and it is unlikely that this tendency has ceased or is going to cease in future. There are dicta both ancient and modern that categories of tort are not closed and that novelty of a claim is no defence. But generally, the judicial process leading to recognition of new tort situations is slow and concealed, for Judges are cautious in making innovations and they seldom proclaim their creative role. Normally, a new principle is judicially accepted to



accommodate new ideas of social welfare or public policy only after they have gained their recognition in the society for example in extra-judicial writings and even then the decision accepting the new principle is supported mainly by expansion or restriction of existing principles which 'gradually receive a new content and at last a new form'.

Where persons, whether jointly or otherwise, are part of a protest which turns violent, results in damage to private or public property, the persons who have caused the damage, or were part of the protest or who have organised will be deemed to be strictly liable for the damage so caused, which may be assessed by the ordinary courts or by any special procedure created to enforce the right.



This Committee is of the view that it is in the spirit of the observation in M.C. Mehta v. Union of India [(1987) 1 SCC 395 that this Court needs to lay down principles on which liability could be fastened and damages assessed in cases in which due to behaviour of mobs and riotous groups public and private property is vandalised and loss of life and injury is occasioned to innocent persons. These are clearly 'unusual situations', which have arisen and likely to arise in future and need to be provided for in the larger interest of justice.

It is on the principles set out above that (it is suggested) that the Hon'ble Court should frame guidelines and venture to evolve new principles (of liability) to meet situations that have already arisen in the past and are likely to arise again in future, so that



speedy remedies become available to persons affected by loss of life, injury and loss of properties, public or private, as a result of riots and civil commotions.

30. This Court has further relied upon the order passed by this Court in ***the State of Bihar and Ors. V. Shailesh Kumar AIR 2023 PAT 26***, wherein the relevant paragraph 5 of the said order is reproduced hereinbelow:

5. While taking note of the distinction between awarding a compensation under private law or on finding the tortious liability of the faltering party, the Hon'ble Supreme Court, times without number, has explained that though the provisions contained in Articles 32 and 226 of the Constitution of India, as it may be, cannot be used as a substitute for enforcement of rights and obligations, which can be enforced efficaciously through ordinary process of Courts, Civil and Criminal, but in exercise



of the extraordinary powers under Articles 32 and 226 of the Constitution of India, Courts can pass an order for payment of money, if such an order is in the nature of compensation, which is consequential upon the deprivation of any Fundamental Right.

31. This Court has further considered the judgment of this Court in *Asharfi Yadav v. State of Bihar & Ors., 2026 (5) PLJR 211*, wherein the observations made in paragraphs 32 and 33 thereof are directly applicable to the facts of the present case. The relevant portion of paragraphs 32 & 33 are reproduced hereinbelow:

32. These directions are being given for the dispensation of justice and to simplify the procedure so that a genuine person with absolute Rights/Titles over their lands are not unnecessarily harassed and disturbed, especially in cases where there is a serious dispute with respect to title of the property in question, and the concerned authorities, if unable to tender a definitive conclusion about the rival claims made



in respect of such property, cannot proceed for removal of encroachment/demolition of the dwelling house of persons without following due procedure prescribed by law, including the valid service of notice and hearing the parties in question and adjudicating the issue.

33. Since right to shelter is a fundamental right under Article 21 of the Constitution of India and Article 300A protects the property of individuals from interference in the peaceful possession of the land they rightfully claim, such as passing of orders for removal of encroachment in khatiyani land, without following the due process and valid service of notice, as also examine each case in terms of the guidelines prescribed under paras 28 to 30 hereinabove. Non-compliance with the same may warrant liability upon the State or its instrumentalities of payment of due compensation for the damages done by illegal demolitions or excesses resulting from the arbitrary exercise of powers by the authorities. The quantum and the mode of payment of compensation, however, have



*to be determined on the basis of the peculiar facts
and circumstances surrounding each case.*

32. As enumerated above, when the Constitution vests a citizen with the right to shelter, its deprivation not only violates a fundamental right, but also causes deep pain and anguish to the person and the family who suffer such a catastrophe. No law can compensate such families when they are uprooted or dispossessed by reason of the illegal acts of an authority or a mob, or by virtue of any calamity. A house is not merely a building comprising four walls and a structure, but also represents an emotional connection for the family residing therein.

“As the soul lives in the body,
the body lives in the house;
for what the soul is to the body,
the body is to the house”

The house has the same divine spirit. It does not discriminate between the rich and the poor, the powerful and the ordinary. It provides solace to the person living therein, just as a tree provides solace to a bystander who stands underneath it to protect oneself from the direct sun, heat, or rain. Its demolition strikes at the root of a person's identity and brings trauma to the



family, which is irreparable. As per the Vedas, *Grihastha* is a *Shreshtha Ashram*, which comprises the *Garbhagriha* - womb room, *Agni Shala* – kitchen, *Bhandar* – storage, *Sadas* – sitting hall, and *Devagriha* – puja room. Thus, *Griha* is protected and nurtured by the occupants through the performance of *Brahma Yajna* – teaching and reading, *Deva Yajna* – prayer, *Pitri Yajna* – caring for parents, *Bhuta Yajna* – feeding animals, and *Manushya Yajna* – feeding guests.

33. Once the house in which a person is living is demolished, it is akin to *Brahma Hatya*, for which monetary compensation can only serve as a remedy to rebuild or reconstruct the house and enable the inhabitants to start a new journey. However, it cannot compensate the person or the family for the misfortune and mishap suffered by them.

34. In the present case, the demolition of the petitioners' house, without any authoritative decision and in the midst of an encroachment proceeding, by a mob cannot absolve the respondent authorities of their responsibility, when it was their onerous duty to protect the house in terms of Article 300-A of the Constitution of India. Thus, this Court cannot lose sight of the predicament of the petitioners in view of the untimely event



in their lives, and what the Constitution grants to a citizen cannot be taken away illegally and arbitrarily by the respondent authorities.

35. In the background of the aforesaid facts/discussion made above, this Court finds that Article 21 of the Constitution of India has been violated, and that the constitutional mandate under Article 300-A has also not been adhered to by the authorities.

36. Respondent authorities, thus, instead of taking immediate action against the unlawful action of the mob in question and identifying the culprits, drifted towards a cancellation proceeding for the *Jamabandi* of petitioners, without taking into consideration the suffering and turmoil in the lives of the petitioners, consequent to the demolition of their boundary wall/house.

37. Hence, after scrutinizing the entire material on record, this Court finds that a case for payment of compensation is made out from the narrative of the aforementioned facts. Accordingly, this Court directs the Commissioner, East Champaran District, who is the neutral statutory authority, to pay interim compensation of 1 Lakh 50 Thousands against the



compensation amount of 3 Lakhs 12 Thousands claimed by petitioner no. 1 and interim compensation of 2 Lakhs each in favour of petitioner Nos. 2 and 3 against the claim of 6 Lakhs 40 Thousands by them, within 2 months from the date of this order.

38. The Commissioner, East Champaran, either personally or through a representative, shall conduct a further detailed inquiry or assess the final compensation based on mishap, loss and suffering suffered by the petitioners, bringing it to a definite conclusion of the amount in question to be paid to the petitioners within a further period of three months from the date of payment of interim compensation.

39. On the contrary, if the Commissioner finds that interim compensation is adequate and has sufficiently redressed the grievances of the petitioners, an order to that effect shall be passed after hearing the petitioners. In evaluating and assessing the losses, if required, the petitioners may also be called upon and heard, and they must lend full cooperation to the authorities in reaching to a definite conclusion.

40. In the present case, since the District Magistrate has been in seisin of the matter due to the pendency of the encroachment case, as well as the proceedings for cancellation



of *jamabandi* of the petitioners before appropriate forums, as well as the District Magistrate has sworn a counter affidavit, in this case, thus the principle of ‘*nemo judex in causa sua*’,i.e.,“*no one can be a judge in his own case*”, shall be applicable in terms of the principles laid down in the case of *A.K Kraipak v. Union of India, 1969 (2) SCC 262* and hence this Court has refrained from giving any directions to the District Magistrate for adjudicating upon the claim of the petitioners regarding compensation.

41. In view of the observations/discussions made aforesaid, the writ petition stands allowed.

42. Let a copy of this order be communicated to the Commissioner, East Champaran through fax/e-mail for further action.

(Raj Kumar, J)

prachi/ashutosh-

AFR/NAFR	A.F.R
CAV DATE	10.09.2026
Uploading Date	22.09.2026
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