

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4767 of 2014

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1. Ramanand Gupta @ Ramanand Prasad Gupta, S/o Late Baldeo Shah @ Baldeo Prasad Gupta.
 2. Shri Jageshwar Singh S/o Late Ram Bila Singh.
 3. Shri Ram Kumar Singh, S/o Late Ratan Singh.
 4. Shri Krishan Singh, S/o Late Sulakhan Singh.
 5. Motiurrahman, S/o Late Tamizuddin.

All are residents of Village Kanta Kosh, P.S. Manihari, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Jharkhand through the Deputy Commissioner, Sahebganj.
3. The District Magistrate, Katihar.
4. The Deputy Commissioner, Sahebganj.
5. The Additional Collector, Katihar.
6. The Sub Divisional Officer, Manihari, Katihar.
7. The Circle Officer, Manihari, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Rekha Prasad
For the Respondent/s : Mr. Binita Singh, GP-31
For the State of Jharkhand: : Mr. Satyavrat Verma.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 08-05-2015 Heard Ms. Rekha Prasad, learned counsel appearing on behalf of the petitioners, learned counsel for the State and Mr. Satyavrat Verma, learned counsel appearing for the State of Jharkhand.

The grievance of the petitioners is that although the villages listed at serial nos.8 to 12 of the letter dated 18.10.2012 of the District Magistrate, Katihar placed at Annexure-7 to the writ petition, namely, Topara, Ramnagar, Hadi Nagar Balua Wagairah and Murela are stated to fall within the district of



Sahebganj in the State of Jharkhand but the status of these villages is not clear inasmuch as the rent receipts are neither being accepted by the Circle Officer, Katihar nor by the Circle Officer, Sahebganj and thus the petitioners are at a loss to understand as to whether their Mauzas fall within the district of Katihar in the State or Bihar or in the district of Sahebganj in the State of Jharkhand.

Espousing the case of the petitioners Ms. Rekha Prasad refers to an information received by the petitioners through Right to Information Act placed at Annexures 12 and 13 to the supplementary affidavit to submit that whereas the Khatiyani relating to these Mauzas are available in the district of Katihar but no such records can be found in the District Record Room at Sahebganj. She thus submits that since these petitioners are in predicament as to whether they should be depositing their rent at Katihar or at Sahebganj that the writ petition has been filed.

Mr. Satyavrat Verma, learned counsel appearing for the State of Jharkhand while referring to the letter of the District Magistrate, Katihar submits that there is no confusion that these Mauzas fall in the district of Sahebganj in the State of Jharkhand and which issue was put to rest in the joint meeting which took



place in regard to the border villages on 8.4.1985 and when these 13 Mauzas under coming Manihari and Amdabad Anchals including the Mauzas in question, were transferred to the district of Sahebganj. He submits that the only dispute was with regard to Mauza Maheshpur and which is not the subject matter of the present writ petition.

Confirming the stand a counter affidavit has been filed on behalf of the Deputy Commissioner, Sahebganj, the deponent of which affidavit is the Circle Officer, Sahebganj. In paragraph 6 of the counter affidavit it has been clearly admitted that 13 villages including the villages in question were transferred to the district of Sahebganj. In paragraph 8 of the counter affidavit it is specifically stated that Sahebganj district is continuously performing its duty over the Mauzas in question and is also issuing rent receipts to the concerned raiyats. In paragraph 10 of the counter affidavit it is stated that Jamabandi numbers have been created in so far as petitioner nos. 1 to 3 are concerned and petitioner no.1 carries Jamabandi No.24, petitioner no.2 carries Jamabandi no.35 and petitioner no.3 has also been issued rent receipts up to 2003-2004 but in so far as petitioner no.4 is concerned his name has not been entered in the Jamabandi Register. In paragraph 11 of the counter affidavit it is

stated that 13 Mauzas of Katihar district had been transferred to the Sahebganj district and they were allowed to collect rent of those Mauzas.

In view of the clear stand taken by the Deputy Commissioner, Sahebganj in my opinion, the confusion whatsoever prevailing in the minds of the petitioners has been cleared and in case the petitioners find any further difficulty in depositing rent within the Circle Office at Sahebganj they would be at liberty to take recourse to such other remedy which may be available to them in law.

This writ petition is disposed of accordingly.

(Jyoti Saran, J)

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