

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13474 of 2014

- =====
1. Buchi Devi Wife of Late Suresh Jha.
 2. Munindra Jha Son of Late Jagatdhar Jha.
 3. Surpala Devi @ Nirmala Devi @ Sushila Devi Wife of Late Yoganand Jha
Resident of village - Basauli, P.O. Basauli, P.S. Rahika, Anchal Rahika District
- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Madhubani.
3. The Deputy Collector Land Reforms, Sadar Madhubani.
4. The Circle Officer, Rahika, Madhubani.
5. Yogendra Yadav Son of Late Chulhai Yadav, resident of village - Sugauna,
P.O. Basauli, P.S. Rahika, District – Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the State : Mr. Lakshmi Kant Tiwary, A.C. to S.C. 27

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-02-2017

Heard learned counsel for the petitioners and the

State.

The petitioners have moved the Court for the

following reliefs:

*“1) For that the continuous Khatiyani vide
Mouza Basauli, Anchal Rahika, District Madhubani
Vide Thana No. 17, (Annexure-5) be declared
illegal and forged.*

*II) For that the Raiyati Khatiyani vide Mouza
Basauli, Anchal Rahika, District Madhubani vide
Thana No. 17, Khesra No. 5202, 5203 and also vide
Lagan Samil Khata No. 1521 Banam Khud
(Annexure-2) be declared legal land genuine.*

*III) For that N.I.C. Status issued by Revenue
and Land Reforms Department dated 15.03.2014
(Annexure-3) be corrected as vide Lagan Samil*



Khata No. 1521 Banam Khud at the place of Vide Lagan Samil Khata No. 1524 Banam Khud regarding new Khesra No. 5202, 5203 total Rakwa 16 decimal (6 dec. + 10 dec.).

IV) For that during the pendency of the writ application further action of concerning respondents with regard to dispossession of the petitioners as Annexure 5 may be stayed.

V) For that guilty respondents may be punished for their illegal action and work.

VI) For that any other relief or reliefs may also be provided to the petitioners if they deserve the same.”

Learned counsel for the State raised a preliminary objection and submitted that the relief for declaration of document to be fraud and fabricated and consequential relief can be granted only upon proper adjudication by a Competent Civil Court where evidence has to be taken and a finding recorded.

Faced with the situation, learned counsel for the petitioners submitted that they may be permitted to move before the appropriate forum, in accordance with law, for seeking the reliefs sought for in the present writ application.

In view of the aforesaid, the writ petition stands disposed off with liberty to the petitioners to move before the Collector, Madhubani (respondent no. 2), in accordance with law, for redressal of their grievance.

If such a representation is filed within four weeks from today, along with a copy of this order, the respondent no. 2,



shall look into the matter and after hearing the parties concerned shall pass a reasoned and detailed order, in accordance with law, within two months thereafter. Based on the order passed, he shall also take consequential steps within four weeks after passing of the order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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