

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 23158 of 2019**

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Nandlal Ram, aged about 60 years, Gender- Male, Son of Late Shyamdeo Ram, Resident of Village- Akhini, P.S.- Nuaon, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform, Government of Bihar.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate Kaimur (Bhabua).
4. The Additional Collector, Kaimur (Bhabua).
5. The Sub- Divisional Officer, Mohania, District- Kaimur.
6. The Deputy Collector, Land Reform, Mohania, District- Kaimur.
7. The Circle Officer, Nuaon, District- Kaimur.
8. Sudarsan Yadav, Son of Late Ramayan Yadav Resident of Village- Akhini, P.S.- Nuaon, District- Kaimur.
9. Shiv Parsan Yadav, Son of Late Nagina Yadav Resident of Village- Akhini, P.S.- Nuaon, District- Kaimur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ramakant Ram, Advocate            |
| For the State        | : | Mr. Rishi Raj Sinha, SC 19            |
|                      |   | Mr. Akhilesh Kumar Sinha, AC to SC 19 |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 02-12-2019**

Heard learned counsel for the petitioner and learned AC  
to SC 19 for the State.

2. The petitioner has moved the Court for the following  
reliefs:

*“(I) For issuance of an appropriate writ,  
order, direction to the Collector, Kaimur, Sub-  
Divisional Magistrate Mohania and the Circle  
Officer, Nuaon for restoring possession of land in*



*question of the petitioner so far it relates to settlement case No. 97/3 of 1975-076, Land in question bearing khata no. 431, Plot no. 1846 peace of Land Area 1.00 acers Mauza Akhini Thana No. 235, Circle Nuaon, P.S.-Nuaon, Distt.-Kaimur (Bhabua) aforesaid land in question settled in favour of petitioner.*

*(II) For issuance of an appropriate writ order direction to the Respondent no. 8 and 9 to vacate the land in question of the petitioner where as land in question settled with petitioner under initiating proper proceeding by state policy.*

*(III) For issuance of an appropriate writ order directing granting any other relief or reliefs for which petitioner is found entitled.”*

3. The admitted position is that the petitioner was settled land by the Government in the year 1975-76. It is his grievance that the respondents no. 8 and 9 had orally exchanged the land of the petitioner in the year 2015 and after some time had started building their house, which was objected and the petitioner then moved before the authorities for getting vacated the land in question, which was not acted upon.

4. Learned counsel for the petitioner submitted that he was in possession of the land and thereafter under conspiracy, the respondents no. 8 and 9 had exchanged the land and then were making house over the land in question, which the petitioner objected and since the land belongs to the petitioner, the authorities are required to ensure that the possession of the petitioner is restored.



5. Having considered the matter, the Court does not find any merit in the present writ application. It is an admitted position that after settlement of the Government land with the petitioner, he was also put in possession of the same. It is also an admitted position that the petitioner himself claims that orally he had exchanged the land with the respondents no. 8 and 9. Thus, when possession of the land of the petitioner was himself handed over the respondents no. 8 and 9 by the petitioner himself, it is clear that the respondents no. 8 and 9 have entered into the land with the knowledge and permission of the petitioner. Thus, if today he wants possession, then for all practical purposes, the petitioner wants respondents no. 8 and 9 to be evicted from the land which he claims belongs to him. Thus, at best, it is a case where respondents no. 8 and 9 are trespassers on the private land of the petitioner. For such cause of action, the authorities cannot be directed to forcibly evict the respondents no. 8 and 9 from the land, as it is a dispute between the petitioner and the respondents no. 8 and 9 i.e., a purely private dispute between private individuals.

6. Thus, in the considered opinion of the Court, the remedy available to the petitioner is to move before the civil Court



of competent jurisdiction for eviction of respondents no. 8 and 9 from the land he claims to have been settled with him.

7. Accordingly, the writ petition stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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