

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5848 of 2021

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Fazlur Rahman Son of Liyakat Husain resident of Birnagar, Balrampur, Sharif Nagar, Barsoighat, Police Station Balrampur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue and Land Reforms Department, Patna.
2. The Divisional Commissioner, Purnea.
3. The District Magistrate, Katihar.
4. The Deputy Collector Land Reforms, Katihar.
5. The Circle Officer, Telta (Balrampur), Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar
For the Respondent/s : Mr. Dhurjati Prasad (Gp14)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-11-2022 Heard the parties.

The petitioner has been approaching the authorities including the Commissioner, Purnea and the District Magistrate, Katihar for acceptance of land revenue for which all the formalities so far as the petitioner is concerned has been done, but the same is not being accepted by the authorities.

The learned counsel for the State submits that the petitioner will have to approach the Khanapuri party.

The learned counsel for the State has filed his counter affidavit and he relays on the statement made in Paragraph “6” of the counter affidavit which read as follows:-



That a correspondence with the Dy. Director, Chakbandi, Katihar for providing directions regarding creation of Jamabandi as per Chakbandi Khatiyan of Mauza Beernagar, Thana No. 45 was made by the CO Balrampur vide his letter no. 334 dated 01.03.2021. A reminder vide letter No. 1228 dated 09.11.2021 was also given. A copy of the same was also sent to the Joint Director, Chakbandi Directorate, Bihar, Patna. A direction from the Joint Director (Head Quarter), Bihar, Patna vide letter No. 01 dated 01.01.2022 along with a copy of letter No. 788 dt. 10.12.2020 was obtained which has to be followed. The direction is as follows:-

“Since the Government has already passed special survey and Settlement Act, 2011 and under this Act, Govt. is empowered to issue notification under Section 3 for carrying out survey in the State. Further Section 20 of the Act is made as overriding effect over other laws.

Further State Government, is proposed to initiate consolidation proceeding after completion of special survey.

Under Section 6 of the Special Survey and Settlement Act, 2011 landholders and/owner have to submit declaration of land owned/hold by them in Form 2, thereafter, as per Section 9 Khanpuri work will be done. And further under Section 11 records of right will be published.

Since Khanapuri party has given power to examine all the claims/objection regarding declaration made by the raiyat. Accordingly irrespective of consolidation proceeding is over or not, whether possession is on the basis of chak khatiyan or R.S. Khatiya, rent collected by the Government, as per R.S. or chak Khatiya, Raiyat is made to declare their holding/possession. And as per Special Survey Act 2011, Khanapuri party shall take into account continuous possession and after scrutinizing the objection/claim, records of right can be prepare. I am of the considered view that the stand taken by the department i.e. Khanapuri work is to be done as per their continuous possession is correct.



It is clear here that the landholder should raise the matter before the “Khanapuri-Party” engaged under provisions of Bihar Special Survey Act, 2011.

The petitioner will approach the Khanapuri party and the Khanapuri authority will examine the records of the petitioner and issue the revenue receipt within a month of production of a copy of this order along with the application of the petitioner. If the same is delayed or not done by the Khanapuri Party then the petitioner will approach the Collector, Katihar and if the petitioner is dissatisfied with the action of the Collector, Katihar, he is given liberty to revive this writ application by filing an I.A. application in the present case.

With the aforesaid observation and directions, this application is disposed of.

(Sandeep Kumar, J)

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