

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3357 of 2018

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1. Dilip Kumar Tamkoria S/o Late Narayan Prasad Tamkoria
 2. Pradeep Kumar Tamkoria, S/o Late Narayan Prasad Tamkoria
 3. Krishna Kumar Tamkoria, S/o Late Narayan Prasad Tamkoria All resident of Ward No. 14, Bakhri Bazar, P.O. and P.S.- Bakhri District- Begusarai Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner-cum-Principal Secretary Department of Revenue and Land Development, Government of
3. The Commissioner, Munger Division, Munger.
4. The Collector- cum-District Magistrate, Begusarai.
5. The Additional Collector, Begusarai, District- Begusarai.
6. The Sub Divisional Magistrate, Bakhari, District- Begusarai.
7. The Deputy Collector Land Reforms, Bakhari, District- Begusarai.
8. The Circle Officer, Bakhari, District- Begusarai.
9. The District Fishery Officer, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	M/s Sajid Salim Khan, SC 25 Prakritika Sharma, AC to SC 25

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners have filed the present application for the following reliefs:-

“That this is an application for issuance of appropriate writ / writs. order /, orders, direction / directions and / or mandamus to Respondent no 7 & 8 to demarcate the lands of Petitioners covered by



three separate registered sale deed dated 8.09.1978 out of Khata No. 244, Plot No. 530, Total Area about 35 Bigha situated at Mauza - Bahore Chak, Pragana - Ballia, Revenue Thana - Bakhri Bazar, Sub - Registry & District - Begusarai (which stands mutated in name of respective purchasers who are paying rent and getting rent receipts), fix stone pillars, restrain the respondent no. 9 from auctioning fishing rights over Petitioners raiyati land submerged in accumulated rain waters due to choked drainage and direct the respondents to pay compensation to the Petitioners for period they illegally settled fishing rights in Panchaila Chaur raiyati lands.”

The case of the petitioners in brief is that they want demarcation of their lands which they have purchased by virtue of the three separate registered sale deeds, details of which have been given in the petition.

At the outset, learned counsel for the respondent State submits that the petitioners have an alternative and efficacious remedy by moving an application under Rule 23 of the Tenancy Rules under B.T. Act. For the ready reference the same is quoted hereinbelow:

“23. Measurement of lands where necessary, and deposit of cost thereof.- If the area of the land has not been already ascertained by measurement made by competent agency under the authority of



Government or, if for sufficient reason a further measurement is considered desirable, the officer shall order, the lands to be measured and shall estimate the cost of measurement in accordance with the Rules for the measurement of lands in partition cases, and shall require the application to amount either at once or in such instalments as he may deem fit.”

After some argument, learned counsel for the petitioners seeks permission to withdraw this application with liberty of filing an appropriate petition before the respondent authorities in terms of the aforesaid Rule 23.

The writ application stands disposed of with the aforesaid liberty.

In case such a petition is filed within a period of four weeks from today, the same shall be decided in accordance with law by the respondent Circle Officer, Bakhari, District Begusarai (respondent no. 8) / authority concerned within a period of three months.

(Partha Sarthy, J)

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