

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1991 of 2018

1. Satish Kumar Das Son of Late Basudeo Lal Das.
2. Harish Kumar Das Son of late Basudeo Lal Das.
Both Residents of Village- Ganaun, Police Station- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Animal and Fishery.
2. The Principal Secretary, Department of Fishery, New Secretariat, Patna.
3. The District Magistrate, Darbhanga.
4. The District Fishery Officer, Darbhanga.
5. The Deputy Collector, Land Reforms, Darbhanga.
6. The Additional Collector, Darbhanga.
7. The Sub- Divisional Officer, Benipur.
8. The Circle Officer, Ghanshyampur, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha
For the Respondent/s : Mr.Rishi Raj Sinha- Sc19

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-09-2023

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed seeking direction to the respondent no.8 to demarcate the boundary of their pond appertaining to Khata No.126, Khesra No.4997 which is situated in Mauza Shahpur Ganaun measuring an area of 99 ½ Decimals out of 1 Acre 99 Decimals.

3. Learned counsel for the petitioners submits that petitioners have purchased the land of Khata No.126, Plot



No.4997 in the year 1944 particularly on 16.05.1944 from one Hanif S/o Wasil. He further submits that dispute has earlier been raised by the Government in the year 1973-74 and Deputy Collector Land Reforms in Sairat Case No.277/73-74 has decided that the said purchased land by the petitioners is private Pokhar which is annexed as Annexure-2 in the writ petition. He also submits that petitioners are continuing in the possession of the said pond but they need demarcation of their area, therefore, they filed an application before Circle Officer, Ghanshyampur, Darbhanga for demarcation of their land.

4. Learned counsel for the State submits that the counter affidavit has been filed and in the said counter affidavit the stand has been taken by the State that the claim of petitioners is by virtue of sale deed dated 16.05.1944, in the said sale deed the Plot No.3997 is mentioned but actually the plot on which the Pokhar is situated is Plot No.4997 and according to State till the said plot shall not be corrected in the said sale deed, the lands cannot be treated of the petitioners. He further submits that in the Revisional Survey new Khata No.1526 and New Plot No.1041 is recorded in the name of “Anabad Bihar Sarkar” and nature of land has been shown as “pond”. In this view of the matter, there is no entitlement of petitioner as prayed.

5. In this view of the matter that on one hand, there is



wrong entry of plot number made in the sale deed on 16.05.1944 but on the other hand for the same land the order dated 30.06.1982 was passed in Sairat Case No.2 of 1978-79 in favour of petitioners which has never been challenged by the State and it acquires finality.

6. In this background, the petitioners are directed to get a decree from competent Civil Court with regard to identification of the land in question that whether the land which they have purchased is the same land or it is different land at all and till decision of the title suit, there shall be no disturbance from the State side as the order passed by the Additional Collector has acquired finality.

7. It is made clear that till the title suit which shall be filed by the petitioners relating to the registered sale deed, the State shall make no interference in any manner whatsoever it may be.

8. With this direction and observation, the present Writ Petition stand disposed off.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11/09/2023
Transmission Date	NA

