

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6065 of 2023

1. Sidheshwer Prasad Singh Son of Late Bilat Singh Resident of Vilalge-Karjan, Police Station-Athmalgola, District- Patna.
2. Ram Bachan Singh Son of Late Ram Chandar Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
3. Kedar Prasad Singh Son of Late Loknath Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
4. Parshuram Singh Son of Late Harinandan Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
5. Devendra Singh Son of Late Alakhdeo Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
6. Arjun Singh Son of Late Jograj Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
7. Amarnath Singh Son of Late Hariwansh Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
8. Gaurishankar Prasad Singh Son of Haribansh Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
9. Dhamendra Kumar Singh Son of Late Tribhuwan Prasad Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
10. Bimal Singh Son of Late Yograj Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
11. Mahendra Singh Son of Late Ram Surith Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
12. Suresh Singh Son of Late Yograj Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
13. Krishna Murari Singh Son of Late Lala Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
14. Ramjanam Singh Son of Late Pradeep Narayan Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
15. Priya Akash Deep Son of Kamlesh Kumar Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
16. Satyam Kr, Singh Son of Sharwan Kumar Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
17. Sanjeev Suman Son of Late Sravan Kumar Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
18. Shivjee Singh Son of Ram Swarup Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
19. Vijay Prasad Singh Son of Late Chamari Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
20. Nagendra Singh Son of Late Ramanand Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
21. Parshuram Singh @ Meghan Singh Son of Late Valeshwar Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
22. Suraj Singh Son of Tarani Singh Resident of Village- Karjan, Police Station-Athmalgola, District-Patna.

23. Anand Kumar Singh Son of Late Hariwansh Narayan Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
24. Muneshwar Singh Son of Late Ishwardhari Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
25. Satyendra Pd. Singh Son of Late Ramvilas Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
26. Wakil Prasad Singh Son of Late Baldev Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
27. Urmila Devi Wife of Late Ashok Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
28. Rajendra Singh Son of Late Alakh Dev Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
29. Sumanti Devi Wife of Late Ram Bhajan Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
30. Harshvardhan Kumar Son of Uma Shankar Prasad Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
31. Jaduvansh Naryan Singh Son of Late Ram Lakhan Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
32. Sanjay Kumar Son of Late Mahendra Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
33. Shiv Shankar Singh Son of Late Mahendra Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
34. Reeta Devi Wife of Late Alakhdev Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
35. Jagdish Prasad Singh Son of Late Amir Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
36. Shashi Bhusan Singh Son of Late Ram Bali Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
37. Ganesh Prasad Singh Son of Late Nageshwar Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
38. Meena Devi Wife of Late Bijo Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
39. Satish Singh Son of Late Vilat Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
40. Dhamendra Kumar Son of Late Nawal Kishore Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
41. Dayashankar Singh Son of Late Surendra Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
42. Lallan Singh Son of Late Kailash Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
43. Ram Anuj Singh Son of Ganesh Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
44. Balram Singh Son of Lala Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.

45. Sanjay Kumar Singh Son of Late Alakhdeo Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.
46. Dilip Singh Son of Tarani Singh Resident of Village-Karjan, Police Station-Athmalgola, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Land Reforms Department, Govt. of Bihar, Patna.
2. The District Mgistrate-Cum-Collector, Patna.
3. The Sub-Divisional Officer, Barh, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Deputy Collector Land Reforms, Barh, Patna.
6. The Circle Officer, Barh, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, (AAG-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 01-09-2023

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

2. The present writ application has been filed by the petitioners directing the respondents to stay the construction of hospital of which two floor have been constructed and third floor is under construction and further prayer was made for quashing the notice issued dated 25.06.2021 (Annexure- 4) by the Circle Officer, Athmangola, Barh, Patna.

3. Learned counsel for the petitioners submits that the petitioners are settlee of the said land by the landlords and since then, they are coming in the possession and enjoying the property.

4. Learned counsel for the petitioners further submits that in the list of petitioners, some are the purchasers from the settlee. Counsel further submits that the Circle Officer, Athmangola, Barh, Patna is no authority to issue notice for the cancellation of any records of right and, therefore, the petitioners have filed representation on 06.12.2022 before the Circle Officer, Athmangola, Barh, Patna but no decision was taken, thereafter the petitioners have moved before this Hon'ble Court.

5. Learned counsel for the petitioners fairly submits that during pendency of the writ petition, the petitioners have received a notice from the Office of the Additional Collector, Patna bearing Jamabandi Cancellation Case No. 11 of 2023-24.

6. Learned counsel for the State submits that the Circle Officer, Athmangola, Barh, Patna may not be authority for cancellation of records of right but the Additional Collector, Patna is the competent authority under the Bihar Mutation Act, 2011, [Bihar Act 23 of 2011] to look into this matter.

7. In this background that during pendency of the writ petition, notices have been issued to the petitioners in Jamabandi Cancellation Case No. 11 of 2023-24 and the petitioners are directed to appear in Jamabandi Cancellation Case No. 11 of 2023-24 with all their relevant documents and

the Additional Collector, Patna shall decide the representation of the petitioners which they are directed to be file within four weeks’ from today before the Additional Collector, Patna.

8. The Additional Collector, Patna is directed to decide the claim of the petitioners by virtue of resolution issued by the Government of Bihar, Land Reforms Department in Resolution No. 01 of 2013-925(6) dated 11.11.2014 and pass a reasoned and speaking order by virtue of this resolution dated 11.11.2014 within nine weeks’ thereafter. In case, it has been found that petitioners are *raiyat* of the land, the State shall initiate the process of acquisition and provide appropriate compensation to the petitioners but in case it has been found that petitioners are not *raiyat*, petitioners shall be at liberty to challenge the decision before the appropriate forum in accordance with law.

9. With this direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	