

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4658 of 2023

1. Pramod Kumar Singh
2. Ashok Kumar Singh
3. Binod Kumar Singh
All sons of Late Ram Pravesh Singh Resident of Village-Biseni Kalan, P.O. Biseni, P.S. Rajpur, District-Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub Divisional Officer, Dehri, District-Rohtas at Sasaram.
4. The Deputy Collector Land Reforms, Dehri, District-Rohtas at Sasaram.
5. The Circle Officer, Akorhi Gola, District-Rohtas at Sasaram.
6. The Superintendent of Police, Rohtas at Sasaram.
7. The Station House Officer, Akorhi Gola, District-Rohtas at Sasaram.
8. Nand Kumar Yadav
9. Ngeshwar Yadav
10. Shiv Kumar Yadav
11. Lallu Yadav
12. Raja Yadav
Respondent No.8 to 12 all sons of Late Kismat Yadav
13. Chandan Kumar Singh Son of Late Suresh Singh
14. Guddu Singh Son of Late Suresh Singh
Respondent no.8 to 14 all resident of Village and P.O. Tetaradh, P.S. Akorhi Gola, District-Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Chaubey, Sr. Advocate Ms. Ritu Priyadarshni, Advocate Mr. Dineshwar Pandey, Advocate Mr. Ashok Kumar Garg, Advocate Mr. Shashank Shekhar Dubey, Advocate
For the Respondent/s	:	Mr. Birendra Prasad Singh, A.C. to S.C.19

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-05-2023 Heard learned senior counsel for the petitioners and



learned counsel for the respondents.

The petitioners have filed the instant application for the following relief(s):

“(i) For issuance of an appropriate writ\ writs, order\orders, direction\directions in the nature of mandamus directing the respondent no.5 to get measured the land of the petitioners bearing land of Khata No.223, Plot No. 480 area 16 Decimal and Plot No. 481 area 1.86 Acre (total Area 2.02 Acre) situated in village Tetaradh, thana No.93, Block, Anchal and P.S. Akorhi Gola, District- Rohtas (Sasaram) by deputing the Police force for which Measurement case No. 13 of 2021-22 has already been instituted and necessary measurement fee has already been deposited on 4.11.2021.

(ii) For issuance of an appropriate writ\ writs, order\orders, direction\ directions in the nature of mandamus directing the respondents to provide vacant possession over the land to the petitioner after its measurement and demarcation, by comply the order dated 07.01.2023 passed by Learned Additional Collector (Public Grievance Redressal), Rohtas by which it was ordered to the respondent no.5 to make measurement of petitioners' land.

(iii) For issuance of an appropriate order or directions to the private respondents to not to make any construction over the petitioners' land during the pendency of this case before this Hon'ble court and a direction to provide police force enabling the petitioners to protect their life and



property.

(iv) For grant of any relief(s) the petitioners would be found entitled to in the facts and circumstances of the case.”

It is the case of the petitioners that under section 118(2) of the Bihar Tenancy (Amendment) Act, 2017, the Circle Officer is empowered to make measurement of the land and for which Measurement Case no.13 of 2021-22 is pending before the Circle Officer, Akorhigola (respondent no.5) and wherein the petitioner has also deposited the measurement fee.

Learned senior counsel submits that by order dated 7.1.2023, even the Additional Collector (Public Grievance Redressal), Rohtas has also ordered respondent no.5 to make measurement of the petitioner's land but till today the directions contained in the said order has not been complied with thus forcing the petitioner to file the instant writ application.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the averments made in the writ application, this writ application is disposed of directing the Circle Officer, Akorhigola, District Rohtas at Sasaram (respondent no.5) to proceed with the disposal of Measurement Case no.13 of 2021-22 in accordance with law, issue notice to the necessary parties



and after hearing the parties and carrying out the measurement of the land in question to dispose of the said measurement case at the earliest preferably within a period of four months from the date of receipt of this order.

It goes without saying that in case required, appropriate orders will be passed for measurement in presence of police personnel for which appropriate order/directions shall be made for payment of cost by the parties.

It is clarified that the Court has not gone into the merits of the case of the petitioners which will be decided by the Circle Officer concerned.

This writ application is disposed of with the above observations and directions.

(Partha Sarthy, J)

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